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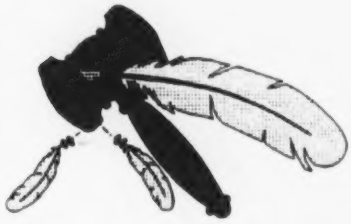
ABSTRACT

This curriculum guide, it is hoped, will become an integral part of the social studies curriculum for all Montana students. Focusing on law-related education themes and concepts, six broad-based themes are covered: responsibility, authority, privacy, justice, spirituality, and environment. These six themes are found in the sample lessons under the heading "ILRE [Indian Law-Related Education] Themes." Teachers will also find within each model unit or lesson under the heading "ILRE Concepts," a list of more specific law-related concepts and topics such as sovereignty, jurisdiction, case study, and appellate court. Related documents included with the curriculum guide are: "Indian Law-Related Education Lessons," divided into ILRE lessons for K-2, grades 3-5, 6-8, and 9-12; "Many Nations in One: A History of Federal Indian Policy"; "From Boarding School to Self-Determination," a unit written to supplement the curriculum of intermediate and secondary teachers; "Montana Tribal Constitutions" for the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, the Fort Belknap Indian Community of the Fort Belknap Indian Reservation, the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, the Crow Tribe of the Crow Indian Reservation, the Chippewa Cree Indians of the Rock Boy's Indian Reservation, the Blackfeet Tribe of the Blackfeet Indian Reservation, and the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation; "References," including resource choices for school library media centers and classroom libraries, videos, and films; "Directory of Indian Education Programs in Montana"; "Evaluating American Indian Textbooks & Other Materials for the Classroom"; "Montana Indians: Their History and Location," which provides information on the contemporary status of Montana's Indian groups; and "The Tribal Nations of Montana: A Handbook for Legislators."

ED 403 165

INDIAN LAW-RELATED EDUCATION CURRICULUM GUIDE



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1995
Cuts The Rope

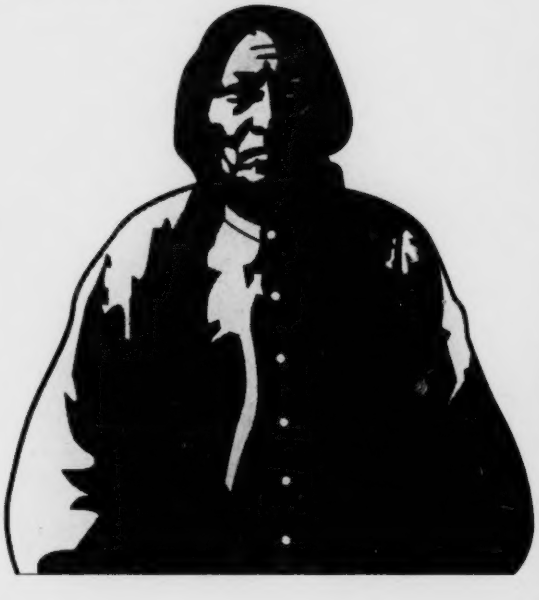
"It seems a basic requirement to study the history of our Indian people. America has much to learn about the heritage of our American Indians. Only through study can we as a nation do what must be done if our treatment of the American Indian is not to be marked down for all time as a national disgrace."

—John F. Kennedy, 1963

The educational, social, political, environmental, spiritual and judicial decisions that we make today will impact the children of the future. Therefore . . . .

"Let us put our minds together and see what life we will make for our children."

—Sitting Bull



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SECTION I

- Foreword
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SECTION I
INTRODUCTION

• FOREWORD •

In 1989, the Montana Accreditation Standards provided the focus for the improvement of instruction through the development of curricula and assessment. At this time, it is my great pleasure to present the newest state model curriculum guide. This document is the direct result of Montana's continued commitment to excellence in education.

Central to Law-Related Education is the development of enlightened citizens who have the tools to make positive and informed choices acting effectively as members of local, tribal, state, national, and international communities. Citizens who understand that with rights come responsibility to themselves, to others, and to the government, as well as an ethical responsibility. It is the task of the school, with the aide of the community, to develop curricula that enable citizenship education to take place not only in the classroom but to continue into the community as well.

The study of Law-Related Education must also embrace the concepts of law as it pertains to the American Indian. It is hoped that this document will assist schools to do this.

Professionals from all regions and cultures of Montana devoted their time and expertise to this project. I would like to thank the team of writers, the many individuals and organizations that provided information and resources, and the law-related education community of Montana for their contributions in developing this Indian Law-Related Education Model Curriculum.

Nancy Keenan

> ***For a subject worked and reworked so often in novels, motion pictures and television, American Indians remain probably the least understood and most misunderstood Americans for us all.***
> ***—John F. Kennedy, 1963***

PREFACE

This curriculum model is the result of many hours of dedication by a wide variety of people and organizations. Without their interest, support, and expertise, this document would not have been possible. The curriculum writing team would like to express our deep-felt thanks to all who helped in this endeavor.

All through the development and writing process, the curriculum team strove to maintain integrity to the various peoples and cultures represented in this document. It is our hope that this document will answer a need felt by many people in Montana and bring the concept of law as it pertains to the American Indian into the mainstream of education.

A special thank you goes to the Office of Public Instruction Word Processing staff and the Publication and Graphics Bureau for the State of Montana. Without their supreme effort, this document would not have been possible. The document was formatted and designed by Gail Hansen, Word Processing Supervisor. Title page and map design are by Heather Mandville. Cover art is by Clarence Cuts the Rope.

The curriculum writing team would like to dedicate this curriculum model to the children.

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1993-1995

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Law-Related Education
Office of Public Instruction

> ***Come with me through time and mind for the past beckons to be known. And the future, crouchd like a panther in the bough of a tree, waits to see . . . if we have truly grown while it growls impatiently.***
> ***—White Deer Of Autumn***

TERRI MILLER

Terri Miller, co-coordinator of the Indian Law-Related Education (ILRE) writing team, currently teaches K-8 music and gifted education, junior high literature, and is half-time assistant principal at Cayuse Prairie School District 10 near Kalispell. She received her bachelor's and master's degrees from the University of Nebraska, and completed her administrative course work at the University of Montana. Prior to moving to Montana with her family, Terri taught K-12 music, speech and drama, and presented workshops in integrated arts and humanities across Nebraska. In addition, she has been a professional singer and choral director.

In 1989, Terri attended the Montana Law-Related Education Summer Institute and has been actively involved with the project ever since. Having received extensive national training, she is currently a trainer for the National Youth for Justice and the Montana LRE projects. Terri has presented at numerous workshops, seminars and training in the areas of fine arts, integrated curricula, gifted education and LRE. Her background includes serving on several curriculum writing teams, including the *Montana Social Studies Model Curriculum Guide*.

WILHEMINA WILLIE WRIGHT

Wilhemina "Willie" Wright is a member of the Confederated Salish & Kootenai Tribe, and co-coordinator of the Office of Public Instruction's LRE program's curriculum writing team. Ms. Wright has been an educator in the Arlee School District on the Flathead Reservation for the past 17 years, and has lived on the reservation for most of her life. Ms. Wright has served on the Montana Advisory Council for Indian Education for the past three years. Ms. Wright is a graduate of the University of Montana with a degree in history, Native American studies and political science. She is working on a M.Ed. with an emphasis on bilingual/bicultural education. Ms. Wright is active in American Indian cultural events, and enjoys traditional dancing. Interacting with family, the Salish/Kootenai people and the environment are important to her day-to-day living.

KATHY FELSMAN

Kathy Felsman, a member of the Confederated Salish & Kootenai Tribes, received a B.A. in Education in 1977 from Eastern Washington University with a major in Physical Education and a minor in Social Studies. Since January of 1992, Kathy has been employed as the K-6 Indian Studies Teacher with the Arlee Public Schools. Currently, she is involved as a cultural consultant for the Arlee Model School, a part of the Office of Public Instruction's Framework for Aesthetic Literacy Grant

Kathy is a teacher with the Native Games Project for the Peoples Center of the Confederated Salish & Kootenai Tribes. She is helping students research old native games through books and interviews with Elders. This project will result in the production of a video of Salish & Kootenai native games. The grant from the Montana for the Humanities was awarded through The Peoples Center.

Kathy has been actively involved in the Law-Related Education Program as a curriculum writer since 1993.

• RHONDA WILLIAMS •

Rhonda has lived and taught in Blackfeet country for nine years, working with 4th-12th graders in a wide variety of subject areas. She is from northwest Arkansas and is a member of the Cherokee nation. She holds a master's degree in education of the gifted, and is an advocate of individualized education that responds to the talents and interests of all students. She received leadership training in the dissemination of gifted education and has been active in this field for many years. Currently, she serves as the historian for the Montana Association for Gifted and Talented Education.

Following an experience of jury duty, Rhonda began doing mock courts with her classes. This led to an extended interest in Law-Related Education and its many applications in the regular curriculum. During the summer of 1993, she attended a Taft Seminar in Missoula on the topic of "Native Government, U.S. Government." She presented on this topic at the National Conference for Gifted and Talented Education for Native People, and has written articles relevant to the Blackfeet tribal government.

Rhonda's philosophy of education focuses on creating places where respect and honesty are normal expectations. Helping to write the Indian Law-Related Curriculum Guide has allowed her to express this philosophy while learning from a diverse group of people.

• MARILYN RYAN •

Marilyn Ryan has been a middle school social studies teacher in the Missoula County Public Schools for 23 years. She is currently on leave from teaching serving as local president for the Missoula Education Association. She earned her bachelor's degree in history and political science and her master's degree in education from the University of Montana.

Marilyn began her association with Law-Related Education in 1990, with participation in the Constitutional Rights Foundation training. She has also been trained by the Center for Civic Education and We The People. As a result of the national training, she has provided LRE workshops throughout Montana. Marilyn has been working with social studies curriculum development since 1976, both at the local and state levels. She is a past president of the Montana Council for Social Studies.

• BOB HISLOP •

Bob Hislop comes to the curriculum team from Polson High School, where he teaches Bill of Rights, Problems of American Democracy, and American History. His Bill of Rights class has competed at the national level for the last seven years. He teaches on the Flathead Indian Reservation and came recommended for the writing team after taking the Taft Institute on American Political Parties and Native American Government.

• CAREN TUCKER •

For the past six years, Caren Tucker has been an elementary library media specilist with the Harlem School District. A graduate of Montana State University, Billings, Caren started her teaching career as a high school English teacher. Caren has a deep regard for the past—its history and its people—and hopes that the refocusing on responsibility, loyalty, and commitment will help to heal some of society's ills.

GEORGIA HOWE

Georgia, a member of the White-Earth Chippewa band, teaches Chapter 1 students at Lodge Grass High School. Georgia has taught students at all levels from Head Start through junior college. She has taught on various reservations for 24 years. Georgia is a graduate of Northern Arizona University and attended the University of New Mexico Indian Institute and the Arizona State Law School.

Georgia has been involved with Law-Related Education since 1993 and has presented on the topic of Indian Law-Related Education at the American Bar Association Leadership Conference.

CAROLINE TYLER

Caroline Tyler was born on Fort Belknap Indian Reservation in Harlem, Montana. Her father is Gros Ventre and her mother is Chippewa-Cree. Caroline is the only member of the writing team who is not directly involved in formal education. She is a juvenile probation officer for Youth Court Services of Cascade County in Great Falls. She is committed to the "mission" of juvenile probation officers when dealing with a youthful offender. That mission is an attempt to establish a balance between community safety and awareness, to establish accountability for the offense and the offender, and to have the youth leave the judicial system better off than when they entered it. Caroline offers the following message:

> When dealing with Indian youth, the judicial system must be made aware that the Indian youth, due to their culture and environment, may not always understand or even respect the laws that are enforced off the reservations. It is a matter of documentation that Indian people are represented in the judicial system more often than anyone else. In my experience with the system, I am seeing that the problem is less a matter of prejudice and discrimination, but more a lack of understanding and tolerance. I also believe that both the judicial system and the Indian people must take responsibility for this fact and work at a solution. Until both worlds can come to an understanding and respect of each other, there will always be a sense of distrust. As long as there is distrust, we will never solve this problem, and even worse, we will never learn to get along together.

LORRIE MONPRODE-HOLT

Lorrie Monprode-Holt has been the Library Media Specialist and is the Director of Law-Related Education for the Montana Office of Public Instruction. She has also been a school and public librarian, a classroom teacher, and an instructor at the University of Montana, Dillon, and Portland State University, Oregon. Active as well in many organizations, she recently was invited to sit on the board of directors for the Center for Adolescent Development, the Advisory Board for the National Youth for Justice Council and is vice-president of the Board of the National Center for Law-Related Education, Inc. Ms. Monprode-Holt also serves on the Governor's Youth Justice Advisory Council's Subcommittee on Minority Overrepresentation. She has served as Montana's Chapter Councilor for the American Library Association and on the American Association for School Librarians' Board of Directors. Ms. Monprode-Holt is now a private consultant

Ms. Monprode-Holt travels the country giving workshops on various topics including folklore, Indian Law-Related Education, systemic approaches for violence prevention, and environmental justice.

An accomplished storyteller, Ms. Monprode-Holt tells stories to "children of all ages" and uses this background to make her workshops and inservices entertaining as well as practical.

SPECIAL THANKS

What we consider the most important
thing on earth is our children.
—Ben Black Bear

The Indian Law-Related Education Curriculum Writing Team and the Office of Public Instruction would like to thank the following individuals and organizations for their contributions in the development of this document.

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Questions to Ask

(see Flow Chart on page 13)

If you try to do something and fail, keep trying.
—Fools Crow

1. What's my grade level?
2. Look over sample lessons provided.
3. Which do I know the most about? OR Which interests me the most?
4. Choose the lesson I want to do first and consider adaptations.
5. Can I acquire all needed materials?

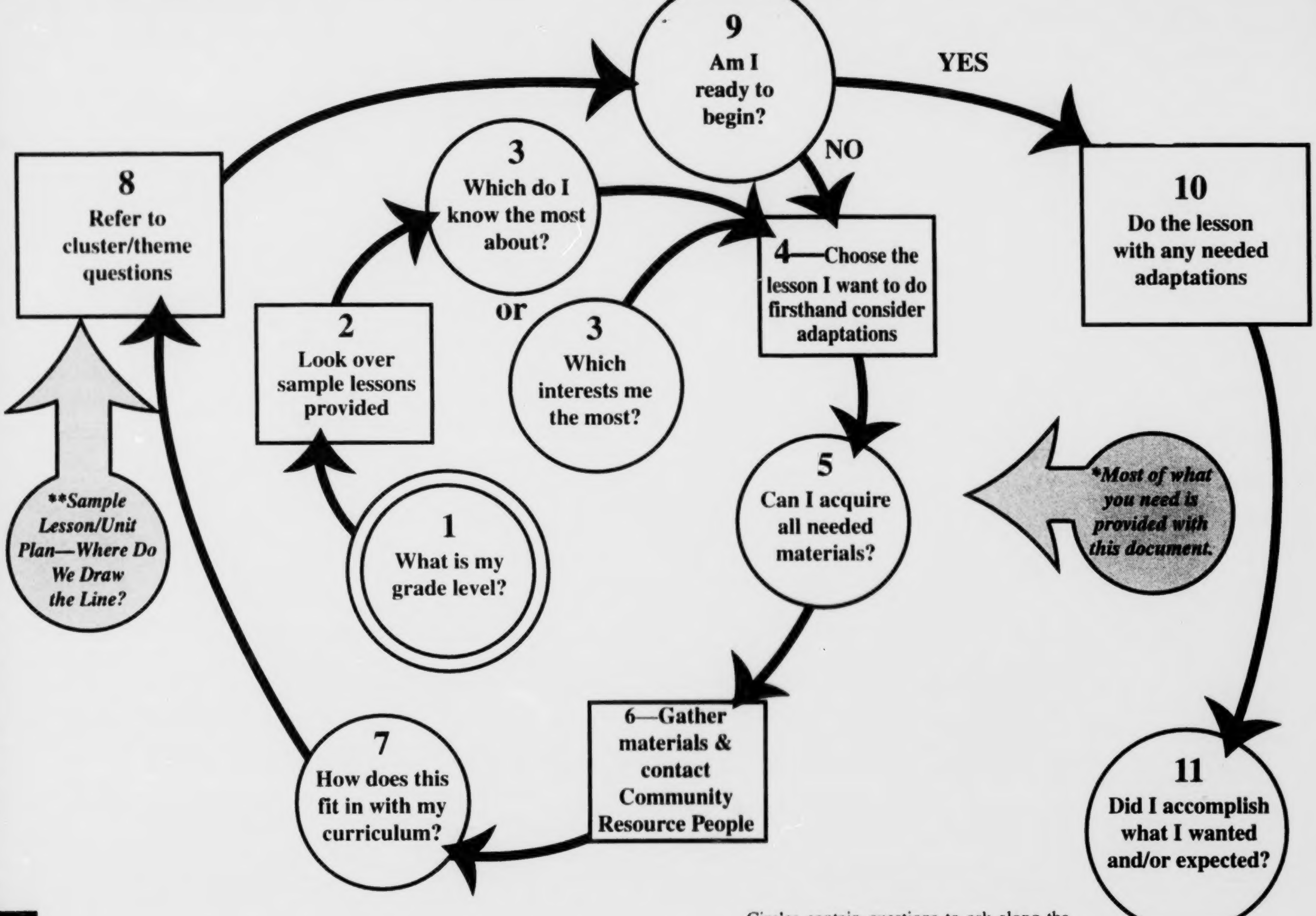
** Most of the information you need is provided with this document. We have also listed where you can find other materials. (Let us know if you have trouble locating any of them.)*

6. Gather materials and contact Community Resource People.
7. How does this fit in with my curriculum? What will the kids learn? What do they already know?
8. Refer to cluster/theme questions. Look at leasson objectives and write my lesson plans.
9. Am I ready to begin?
10. Do the lesson with any needed adaptations.
11. Did I accomplish what I wanted and/or expected?

*** Sample Lesson/Unit Plan: Where Do We Draw the Line?*

Objectives:

1. *Develop knowledge based on the topic: What are grafitti and vandalism and when do they become art?*
2. *Discuss cluster questions: How do individuals' decisions affect other citizens? What is private property? What is communal property? When do the rights of free expression conflict with the rights of other members of society?*
3. *Explore uses of symbols in various societies. Use And Still the Turtle Watches, When Clay Sings, cave paintings, and Egyptian symbols. Bring in examples close to home.*
4. *Practice reaching consensus through consensus questions and "Take a Stand" activities.*
5. *Connect ILRE themes to lesson through cluster questions: justice, responsibility, authority.*
6. *Connect social studies themes to lesson through cluster questions: cultural heritage, social history, tradition and change, citizenship, interdependence.*


1
What is my grade level?
2
Look over sample lessons provided
3
Which do I know the most about?
or
3
Which interests me the most?
4—Choose the lesson I want to do firsthand consider adaptations
5
Can I acquire all needed materials?
*Most of what you need is provided with this document.
6—Gather materials & contact Community Resource People
7
How does this fit in with my curriculum?
8
Refer to cluster/theme questions
**Sample Lesson/Unit Plan—Where Do We Draw the Line?
9
Am I ready to begin?
YES
NO
10
Do the lesson with any needed adaptations
11
Did I accomplish what I wanted and/or expected?

Circles contain questions to ask along the way; rectangles contain actions to take.

SECTION II

- Philosophy Statement
- Defining Law-Related Education
- Exploring the Connections
- A Sociological Perspective
- Interdisciplinary Connections to Accreditation Standards
- Montana School Accreditation Standards and the Impact on Students
- Model Learner Goals/Thematic Questions
- Social Studies Thematic Questions Focusing on Indian Law-Related Education

SECTION II:
MODEL CURRICULAR FRAMEWORK

• PHILOSOPHY STATEMENT •

Montana is a state rich in history, cultural diversity, and natural resources. One of Montana's most valuable resources is our children. As the children act within and upon their physical and social environments, they develop and grow in their understanding and perceptions of the world around them. It is our environment that helps shape us as human beings.

> ***If you don't know the past, then you will not have a future.***
> ***If you don't know where your people have been,***
> ***then you won't know where your people are going.***
> ***—from*** **The Education of Little Tree,**
> ***by Forrest Carter***

Our first teachers are our families who teach us the concepts of right and wrong. Through this informal learning process we also develop a sense of family and community. Informal learning is joined with formal learning provided by the schools, whose primary purpose is to instill academic knowledge. This blending of formal and informal learning, together with the fostering of social skills, provides a means for developing civic responsibility.

Law-Related Education is a K-12 program which teaches the responsibilities and rights of citizens in the constitutional democracy. The integration of Indian law into all curriculum areas, especially Law-Related Education and Social Studies, serves to further improve citizenship.

In its constitution, Montana recognizes the 11 Indian tribes and seven reservations in the state, and the unique cultural heritage of American Indians. Because of this, the study of tribal governments must be an integral component of an educational program in all Montana schools. A structured approach is necessary to comprehend the connections relevant to national, state, local, and tribal governments whose contributions are the basis for our laws. Each division of government has its own distinct governance policies that must be respected, recognized, and understood by all people.

Montana's young people will need to be competent and active participants in their social, economic, natural, and political environments. As we all continue to develop and grow in our understanding of ourselves and of our role as citizens, we must be willing to examine issues and practices, and to engage in dialogue with others. If students are to become successful, productive human beings for the 21st century, schools need to continue to provide educationally relevant content that addresses the issues of justice, privacy, responsibility, authority, spirituality, and environment.

It is essential that our youth understand the various perspectives of diverse cultures and respect human differences. Knowledge, skills, and understanding will enable our youth to dispel the myths that distort history, to contribute effectively in a democratic society, to survive in a complex legal system, and to peacefully resolve conflict.

Until America comes to terms with the conditions and unresolved issues of American Indians, questions will continue to haunt the nation's conscience. If the Indians lose . . . we all lose.

—American Indian Digest: Facts About Today's American Indians, *1995 ed. Thunderbird Enterprises, Phoenix, AZ*

What is Law-Related Education?

Education for citizenship is a constitutional democracy is the main purpose of LRE in elementary and secondary schools. Given the fundamental place of law in American society, every citizen needs to know how the legal and political systems function, how the law affects them, and how they can affect it. LRE is the practical application of law to daily living; it is not specialized legal education. It is intended to develop an understanding of the values and principles on which the legal system is based.

Why should Law-Related Education be included in the curriculum?

Reasons for including LRE in the curriculum include: (1) the development of knowledge, (2) the development of critical thinking and participation skills needed for citizenship, (3) the development of positive attitudes, and (4) the prevention of delinquency.

What makes an effective LRE program?

Although research findings support the proposition that LRE reduces delinquent behavior, they indicate as well that then law-related instruction does not incorporate several critical features, there may be no measurable effect or even a worsening of students' behavior. This can occur even in classes where students show gains in their knowledge about the law. It is only when certain features—(1) classroom use of outside resource persons, (2) sufficient quantity and quality of instruction, (3) judicious selection of illustrative case materials, (4) teaching strategies that foster true student interaction, (5) involvement of important school administrators, and (6) availability and use by teachers of professional peer support—are incorporated into law-related education programs that we find positive improvements in behavior and attitudes. LRE programs that work and law are distinguished by these six characteristics.

> ***We were lawless people, but we were on pretty good terms with the Great Spirit, creator and ruler of all. When people live far from scenes of the Great Spirit's making, it's easy for them to forget his laws.***
> ***—Tatanga Mani (Walking Buffalo), Stoney***

How does law-related instruction fit into the curriculum?

There are three obvious approaches to the inclusion of LRE in the curriculum:

- use of special events about the law
- a special unit or course on LRE
- infusion of LRE into various standard courses

Special events, such as law day, annually provide opportunities to draw attention to LRE and to provide special programs. Teachers might invite lawyers to participate in classroom or schoolwide activities. Other special events include mock trial competitions, field trips to courtrooms, and essay contests.

A separate unit or course on LRE is often included in the secondary school curriculum. Separate units typically appear in government and civics courses. Law and citizenship courses are also offered as electives in many schools. In some schools, there is a required LRE course. In elementary schools, separate units on law are found at various levels in the social studies curriculum. These units typically include case studies, simulations such as mock trials, and field trips to courts or juvenile justice settings.

The infusion of LRE lessons into standard courses in the social studies in another way of integrating LRE with the existing curriculum. Courses in civics, American history, world history, and government are the most likely subjects for infusion of significant content about the law. For example, when American history students study about the Bill of Rights or the Fourteenth Amendment, illustrative cases may be infused to develop deeper understanding and application of LRE concepts.

It appears that a semester or year-long course on LRE makes a positive difference in knowledge, skills, and attitudes. However, some law-related educators believe, that the preferred approach is systematic infusion; they contend that a carefully integrated strand of LRE throughout the elementary and secondary curriculum will yield the best results in terms of quantity and quality of instruction. (1)

(1) Excerpt from: Developing Law-Related Education Awareness Manual: to assist in developing awareness among teachers and resource persons. Published by: The Coordinating Committee of the LRE National Training and Dissemination Program.

INDIAN LAW-RELATED EDUCATION THEMES

Six broad-based themes are used as a focus for this model. The first four are borrowed from The Center for Civic Education's "Law in a Free Society" series, and are commonly addressed in LRE curricula. The fifth and sixth reflect the fact that spirituality and environment cannot be separated from Indian life and law. The brief definitions that follow should help to clarify the themes' function in this guide.

✸ Authority

Authority refers to the right to control or direct something or someone, and the rules and the people who use those rules to govern our lives. Authority is usually granted through laws, customs, or principles or morality. Its limits are also defined by those laws, customs and principles. Power is often mistaken for authority, but power is only the ability to control; authority requires the right to use that power.

> ***When we were created we were given our ground***
> ***to live on and from this time these were our rights.***
> ***—Chief Weninock, Yakima***

✸ Environment

Environment refers to all the surrounding things, conditions, and influences affecting the development of living things. It is through the environment that we grow in our understanding of our connectedness to our social and physical environments. Human actions affect the environment both positively and negatively. Legal issues concerning those effects across various cultures are complex and involve tradition and change.

✸ Justice

Justice refers to the idea of fairness to individuals and groups, and issues of justice are usually divided into three types. **Distributive justice** deals with the fair distribution of benefits or burdens among several individuals or groups. **Corrective justice** deals with the fairness of the response or correction for a wrong or injury to a person or group. And **procedural justice** deals with the fairness of the response or correction for a wrong or injury to a person or group. And procedural justice deals with how fairly information is gathered or a decision is made; in other words, with the process, not with the result.

✸ Privacy

Privacy refers to the right and/or responsibility to keep something (the object of privacy) private. The object of privacy may be tangible, such as a document or heirloom, or intangible, such as an idea or secret. In issues of privacy, the costs and benefits to the individual and to society must be weighed.

✸ Responsibility

Responsibility refers to a person's obligation or duty to do something or not to do something. Sometimes our responsibility is to ourselves, sometimes to a group. There are consequences, both positive and negative, to meeting or not meeting our responsibilities. These consequences can range from the simple, such as having extra time for lunch or missing lunch completely, to the far-reaching, such as earning a scholarship or being incarcerated. Ultimately, the lack of taking responsibility can result in the loss of rights.

✸ Spirituality

Spirituality refers to devotion to spiritual rather than worldly ideas. It reflects a concern with the spirit or the soul. It is an integral part of the character of an individual or a society.

Great Spirit, bless Mother Earth so the people
will live in harmony with nature.
—High Bear

✸ How Indian Law-Related Education (ILRE) Fits With Montana's Social Studies Model Curriculum Guide

Law-Related Education (LRE) is an education approach designed to teach non-lawyers about law, the legal process, and the fundamental principles and values that underlie our constitutional democracy. Programs are characterized by relevant, high interest course materials; extensive use of community resource persons (CRPSs) from the justice system and related professions; field experiences; and participatory classroom teaching methods. LRE provides citizens with knowledge, skills, values and attitudes necessary to: (1) maintain a constitutional democracy, and (2) survive in our law-saturated, legally complex society; reduces juvenile delinquency when properly implemented and helps refocus teachers on the need to teach relevant content using the interactive methods that promote effective citizenship and civic literacy. Above all, LRE stresses the concept that, in order to preserve those rights we all value, each person must accept and execute certain responsibilities of personal, social, legal, and moral/religious nature. Montana and other states add another dimension to the study of legal systems. As people living on and off reservations cross those boundaries, they must be aware of the changes in laws and jurisdiction. All Montana students need to be educated concerning international, federal, state, local and tribal legal systems in order to function as positive members of our diverse society. No group or individual can stand alone and isolated from knowledge and civic cooperation with others. To address these needs, we have developed a model Indian Law-Related Education Curriculum Guide for teachers across the state to use with all Montana students.

> ***Before we can set out on the road to success, we have to know where we are going, and before we can know that we must determine where we have been in the past.***
> ***—John F. Kennedy, 1963***

The Montana *Social Studies Model Curriculum Guide* produced by the Office of Public Instruction in 1993 was intended to be a dynamic document to which new pieces could be added or with which other documents could be used. In order to produce a user-friendly document, the educators developing the ILRE Curriculum Guide have chosen to frame this document to mesh with the social studies guide.

An important component of this meshing process is the use of the thematic framework provided in the social studies model. We have referred to those themes in the sample lessons under the heading "Social Studies Themes." Therefore, a teacher planning a unit on "Cultural Heritage" will find lessons in this ILRE guide by looking under "Social Studies Themes" for "Cultural Heritage."

In addition, as in the social studies model, the model learner goals in this guide are stated in the form of sample thematic questions. To clarify the importance of the tribal belief systems as they impact the entire social studies curriculum, we have included a visual piece with accompanying narrative titled, "Our Mother Earth and All Life Are One...United." These are found in the section called "Sociological Perspective."

Another component of this document of obvious importance is a focus on Law-Related Education themes and concepts. The writers chose to concentrate on six broad-based themes. The first four, Responsibility, Authority, Privacy and Justice, are used by The Center for Civic Education and found in nearly all Law-Related Education materials. The fifth and sixth, Spirituality and Environment, reflect the importance the Indian people place on those concepts. Although elements of both exist in both social studies and LRE content, for the purpose of this guide, they deserve to stand alone as themes. These six themes are found in the sample lessons under the heading "ILRE Themes." In addition, the teacher will find within each model unit or lesson a list of more specific law-related concepts and topics such as sovereignty, jurisdiction, case study, appellate court. These can be found under the heading "ILRE Concepts."

It is our hope that this document will become an integral part of the social studies curriculum for all Montana students, and that you, as their teacher, will find it usable. We also hope that it serves to further the understanding of the cultural and legal diversity we all find in today's society.

No democracy can long survive which does
not accept as fundamental to its very existence
the recognition of minorities.
FDR, 1882-1945

A SOCIOLOGICAL PERSPECTIVE

> ***Whether we are called Native Americans, Indians, Cherokees, or Crees, we know what we are. Our devotion to Mother Earth and our awareness of the relationship we have with the Great Mystery make us what we are. All this, all this calls us back to our ancestors.***
>
> ***—White Deer of Autumn***

Every human being has a road to walk. The road you take may have many smaller roads. Yet, in our movement within the Circle of Life, we are linked together, for our Mother Earth and all life are one, united.

From a sociological perspective, it is our environment that helps shape us as human beings. When one sees oneself standing tall like the ponderosa pine, one asks, who am I? And where am I going? In one's search or quest for self-identity, many elements present themselves that assist in shaping our character and developing our personality.

The key element that links humankind to our Mother Earth is the environment. The sun, moon, stars, and the earth are one. The animals, the plants, winged beings and water beings are one. Our environment is a way of life. All life encompassed on this planet is dependent upon our Mother Earth. It is through the environment that we grow in our understanding of our connectedness to our social and physical environments. One's environment can be perceived as a necessary attribute that sustains life...all life. The environment is our food, shelter and clothing.

As one moves within the Circle of Life and continues to interact with the environment, one's life path can be said to be cyclical in nature. Our lives are ever unfolding like the flowers of time as we move within the seasons of spring, summer, winter, and fall. In this cyclical nature, life's circle is forever recurring because time moves in a circular motion, and just as the seasons unfold, so do our lives.

In this Circle of Life, one is tabula rasa, or born into this world without qualities. As an infant interacts with his or her significant others (family/friends) or generalized others, the child builds a foundation of self-identity. The "I-self" unfolds just as the wild rose that is nourished by nature. The family, clan or care providers are our first teachers. It is here that one's immediate needs are met, and it is here that love finds its roots and grows in many directions. Our family, clan or care providers teach us, and with their guidance we grow in our understanding of the world around us.

In our human interactions, we are capable of developing in language in order to communicate with humankind and the environment. Our first teachers give us the gift of cultural learning so we can build upon the perceptions that we formulate about people and the environment that we interact with each day. Our self identify is shaped and contingent upon the ways we come to know, the laws, rules, mores and norms of the culture we accept. The values we carry in our heart help us to grow in our communication and understanding of our immediate self as we continue to interact with ourselves, other people, and the environment. The concept of informal education begins at our roots, which we identify as home.

A time comes in each of our lives when we move out of the protective care of the family, clan, or care providers. The "stepping-out time" is when we leave our nests for a system of formal education called school. The educational system provides a means by which learning takes on new meaning and different dimensions. We come to interact with books, teachers, peers, counselors, administrators, principals and the many others employed in the educational system. Book learning replaces the cultural learning that traces back to our family, clan, or care providers. Informal learning may run contrary to formal learning which is a reality that cannot be ignored, and this reality may or may not affect an individual's quest for self-identity.

School is an institution where learning takes place. School teaches the basic educational foundations such as a system of communication based on the premises of oral and written language, reading, math, social sciences, science, health and physical education, liberal arts and vocational skills. We learn to interact in various ways with our peers, teachers and others. Our interactions may be positive or negative depending upon our perceptions, attitudes, and how we relate to ourselves and to other individuals or people. Our social self, cultural environment, and physical environment all contribute to shape our character and personality. Schools further provide avenues for social experiences by providing a wide range of extracurricular activities. The school also transmits cultural values of patriotism, responsibility, and citizenship. The educational system attempts to prepare individuals to be successful and productive citizens. Both our informal and formal education are essential in respect to the decisions that are to be made regarding one's personal vocation.

Each individual experiences what one may come to identify or know as the "trying times" in one's life. These "trying times" may be associated with individual interdependence based on one's personal volition. As we acquire knowledge and develop and grow in our understanding of time, place, people, and the environment, we develop attitudes and values that help in further shaping our self-identity. As we continue to expand, experience and act upon our social and physical environments, our perceptions may differ from those of other cultures or subcultures. Yet the diversities we all share should be respected, acknowledged, recognized, and appreciated.

In our quest for self-identity, our lives are intermingled with a wide range of human interactions. How we come to interact with our nation, state, tribe, or community is dependent upon how we have been treated and the experiences we have encountered, as well as the relationships we develop for each of these socially, politically, economically and geographically. Our lives are shaped by our demographics, where we live, and by the people who live there, and whom we interact with. Our geographic locations assign us to a place that we may come to identify as our nation, our state, our community, our tribe. Our cultural roots bind us together if we are willing to accept the culture we are born into.

As each of us grows and develops in respect, understanding and appreciation of the world around us, we must work together to assist our governing bodies to continue in their efforts to protect our safety and well-being as a people. Our past, present, and future are dependent upon our responses to our governments, whether our interaction is with international governments, the federal government, state governments, tribal governments or local governments. We the people must let our voices be heard, for all our lives are impacted by the governments that we acknowledge.

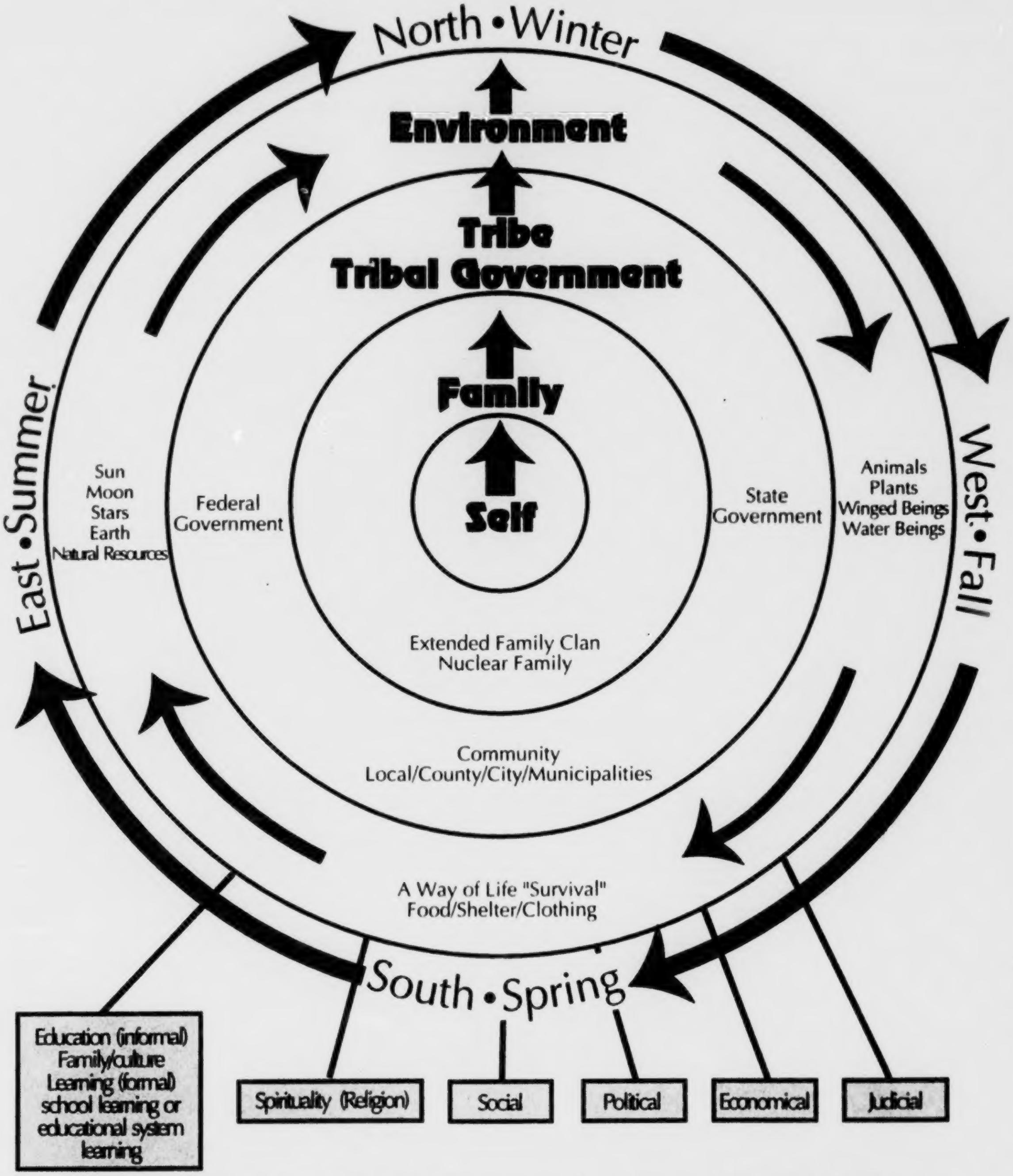
In our connectedness to our environment that shapes our lives as human beings, we must continue to respect our Mother Earth and all life. As we continue to move within the Circle of Life, our spiritual, social, political, economic, and judicial components play a significant role in each of our lives. Our environment, our government, and we as a people, are impacted by these components in a variety of ways because here in the United States, our society is based on capitalism and a system of supply and demand. The roads we have traveled have left their mark on the face of our Mother Earth and upon the people. There are still many roads to be traveled, and as we pave the way forward socially, politically and economically, let our visions be directed to our children and the generations of children yet to come.

Our Mother Earth and all life are one, united, and our environment is the key element that links us together and shapes our lives as human beings. We are all empowered with the spirit of life and intelligence. How we direct our spirituality is dependent upon our attitudes, values and beliefs that we acquire and accept as a people. To have faith is to believe in one's self or to have faith in a religion. The spirit and faith that we hold for ourselves and all life is the guiding force that has kept us moving forward in the Circle of Life from our past, present and future.

> ***The moon, the horizon, the rainbow—circles***
> ***within circles, with no beginning and no end.***
> ***—Lame Deer***

"OUR MOTHER EARTH AND ALL LIFE ARE ONE...UNITED."

A Sociological Perspective: Our Environment Helps Shape Us as Human Beings


North • Winter
Environment
Tribe
Tribal Government
Family
Self
East • Summer
Sun
Moon
Stars
Earth
Natural Resources
Federal Government
State Government
Animals
Plants
Winged Beings
Water Beings
West • Fall
Extended Family Clan
Nuclear Family
Community
Local/County/City/Municipalities
A Way of Life "Survival"
Food/Shelter/Clothing
South • Spring
Education (informal) Family/culture Learning (formal) school learning or educational system learning
Spirituality (Religion)
Social
Political
Economical
Judicial

"ALL PEOPLE AND ALL LIFE ARE CONNECTED TO OUR MOTHER EARTH..."

INTERDISCIPLINARY CONNECTIONS TO ACCREDITATION STANDARDS

Although Law-Related Education and Indian Law-Related Education obviously "fit" within the social studies curriculum, they can and should be integrated into many other curricular areas, as well. According to the Montana School Accreditation Standards and Procedures Manual, topics and concepts of LRE and ILRE must be included in several disciplines. The pertinent portions of the manual, from both the "Program Area Standards" and the "Model Learner Goals," have been included here. Review of these portions will aid the teacher in determining which concepts to include in each specific program area or to meet which learner goal.

> ***Give me your tired, your poor, your huddled masses yearning to be free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside golden door.***
> ***—Statue of Liberty inscription, 1903***

In addition, Montana school laws charge schools and teachers with providing moral and civic instruction and further define what that instruction shall include (20-4-301 MCA). LRE and ILRE curriculum can provide concepts and materials to meet those needs.

MONTANA SCHOOL ACCREDITATION STANDARDS AND PROCEDURES AND THE IMPACT ON STUDENTS

Sub-Chapter 10
Learner Goals

SCHOOL PROGRAM
PROGRAM AREA STANDARDS

RULE 10.55.1002 CROSS-CONTENT AND THINKING SKILLS

All disciplines in the education program are interdependent and empowered by the application of creative and critical thinking skills. Subjects cannot be taught in isolation; they do, in fact, overlap and find their greatest value when they are part of an integrated program of knowledge, skills, and opportunities that challenge students. To this end:

Sub-Chapter 16
Social Studies: Program

Social studies draws on the social sciences (economics, history, political science, geography, sociology, anthropology, psychology) and the humanities (theory, literature, the arts, and philosophy). The social studies cover United States studies, global studies and the social science disciplines.

RULE 10.55.1601 SOCIAL STUDIES PROGRAM (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) A basic program in social studies gives the student an opportunity to:

(a) Participate in meaningful first-hand and hands-on learning activities that draw on experiences in the home, school, neighborhood, and the world;

(b) Participate in committee work, role playing, creative drama, classroom discussion, and interviews;

(c) Develop research skills, which may include the gathering and recording of information from a variety of sources such as films, pictures, oral and written literature, music, and field trips;

(d) Develop citizenship skills through sharing, acceptance of responsibility, cooperative learning, compromising, conflict resolution, and decision making;

(e) Enhance his/her communication skills through drawing, acting, reading, writing, listening, and speaking;

(f) Use topics that engage his/her interests and extend personal context for learning to a global realm. Learning activities are varied and involve the student intellectually, socially, and physically;

(g) Nurture an understanding of the contemporary and historical traditions and values of Native American cultures and other minority cultures of significance to Montana and to society.

Sub-Chapter 19
Guidance: Program

Students of all ages must make many choices that affect their lives, now and in the future. Comprehensive guidance programs are a way to serve the divergent and changing needs of students.

Appendix A

Model Learner Goals
Communication Arts

Health Enhancement: Model Learner Goals

HEALTH ENHANCEMENT MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(c) Develop positive interpersonal relationships and self-concepts.

(2) By the end of the primary level, the student shall have had the opportunity to identify:

(b) Roles, responsibilities, contributions, and life cycles in a family structure.

HEALTH ENHANCEMENT MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to demonstrate:

(c) Positive interpersonal relationships and self-concept.

(2) By the end of the intermediate level, the student shall have had the opportunity to understand:

(f) Cultural, environmental, social, and ethical issues which affect healthy lifestyles.

HEALTH ENHANCEMENT MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(e) Understand roles, responsibilities, contributions, and life cycles in family structures.

(k) Understand the consequences of personal and community decisions that affect the economy and the cost, availability, and quality of health care.

Science: Model Learner Goals

GENERAL SCIENCE MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(b) Examine his/her environment using the five senses; recognize the limits of sensory perception.

(m)Be aware of the need for conservation, preservation, and the wise use of natural resources.

GENERAL SCIENCE MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.100) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(g) Be aware of the basic concepts in the life, physical, earth, and environmental sciences.

(k) Be aware of the need for conservation, preservation, and the wise use of natural resources.

LIFE SCIENCE MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) A course of study in life science, offered at the intermediate level, shall give the student the opportunity to:

(a) Appreciate all living things and their relationships to one another and the environment.

GENERAL SCIENCE MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10. 55.603 and ARM 10. 55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(r) Be aware of the need for conservation, preservation, and the wise use of natural resources.

HISTORY AND WORLD CULTURE MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(a) Begin to identify cultural characteristics such as social traditions, art forms, and language.

(b) Demonstrate some basic knowledge about important chronological events in local, state, national, and world history.

(c) Begin to provide examples of economic, cultural, political, and technological developments which have contributed to human progress.

(d) Begin to identify individuals who played historical roles.

HISTORY AND WORLD CULTURE MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(a) Explain how technology, economic activities, and learned patterns of behavior, such as prejudice, discrimination, conformity, and acceptance influence culture.

(c) Explain how the characteristics of culture are manifested in history, economics, government, arts, sciences, and religion.

(f) Demonstrate a knowledge of Montana history and of the state's diverse cultures.

HISTORY AND WORLD CULTURE MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(a) Discuss the influence of social movements on the state, the nation, and the world.

(b) Analyze contemporary world issues in order to make decisions governing one's own personal life.

(c) Apply knowledge of history in determining plans of action for current and future concerns.

(d) Use his/her understanding of local, national, and world culture in addressing modern social problems.

LAW AND LEGAL RIGHTS MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(a) List some of the basic characteristics of the U.S. Constitution.

(b) Explain some of the freedoms contained in the Bill of Rights.

(c) Understand the basic functions of the U.S. government.

(d) Begin to identify different levels of government, such as city, county, state, tribal, and federal government.

(e) Explain some of the basic sources of law, such as congress and state legislatures.

(f) List basic public services provided by government.

(g) Experience involvement in his/her community through active participation in a community group.

LAW AND LEGAL RIGHTS MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 1 0.55.1 001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(a) List the functions of the three branches of government.
(b) Explain the need for and function of separation of powers and checks and balances.
(c) List the individual rights protected by the first ten amendments to the U.S. Constitution.
(d) Give reasons why the Bill of Rights was added to the Constitution.
(e) Explain how constitutional change is made.
(f) Discuss the characteristics of federalism.
(g) Identify how laws emanate from various authorities.
(h) Explain the difference between civil and criminal law.
(i) Discuss the importance of judicial review.
(j) Explain the need for and provision of due process of law.
(k) Discuss the fundamental principles of American democracy.
(I) Continue his/her involvement in community groups, organizations, or services.

LAW AND LEGAL RIGHTS MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, students shall have had the opportunity to:

(a) Participate in the American political process by running for office, by working on campaigns, or by voting.

(b) Make informed political decisions based on knowledge and understanding of political philosophy, constitutional doctrine, and organization of local, state, and national governments.

(c) Apply an understanding of one's legal and civil rights in pursuing private and vocational endeavors.

GEOGRAPHY MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(a) Begin to list the basic characteristics of natural, physical, and cultural environments.
(f) Locate different cultural and physical regions.
(i) Give examples of the need for and benefits of natural resource conservation.

GEOGRAPHY MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(a) Discuss the interrelationships of environments, cultures, and weather and how people adapt to them.

GEOGRAPHY MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(a) Demonstrate a knowledge of state, national, and world geography.

(b) Make civic, vocational, and private decisions guided by an understanding of various global environments and cultural settings.

SOCIAL INSTITUTIONS MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(b) List individual responsibilities, such as honesty, tolerance, and compassion.

(c) List some of the basic social institutions, such as family, educational, and religious institutions.

(e) Begin to discuss traits of interactive social processes, such as cooperation, competition, and conflict and how social roles of leadership, following, aggression, and submission affect these processes.

(f) Identify some social classes and social groups, including ethnic and minority groups.

(g) Give examples of social control, such as dependency, reward, and punishment.

SOCIAL INSTITUTIONS MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(b) Explain how basic differences between individual values and group norms impact social problems.

(c) Explain the relationship of economics, politics, science, and religion to social institutions.

(d) List examples of social interaction, such as peer pressure, group dynamics, assimilation, and accommodation.

(e) Discuss how societies implement social control.

SOCIAL INSTITUTIONS MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10. 55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(a) Understand and appreciate diverse worldwide social institutions.

(b) Determine how current environmental, economic, and political changes affect various social changes throughout the world.

CRITICAL THINKING, PROBLEM SOLVING, AND DECISION MAKING MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(a) Classify information by sequence and in groups.

(b) Interpret information by stating relationships, noting cause and effect, drawing inferences, and predicting outcomes.

(c) Analyze information by organizing key ideas, separating major components, examining relationships, detecting bias, and comparing and contrasting ideas.

(d) Summarize information by restating major ideas and forming opinions.

(e) Synthesize information by communicating orally and in writing.

(f) Evaluate information by using criteria such as source, objectivity, and technical correctness.

(g) Apply decision-making skills by securing needed factual information, recognizing values, identifying alternative courses and consequences, and taking action.

CRITICAL THINKING, PROBLEM SOLVING, AND DECISION MAKING MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001)
(1) By the end of the intermediate level, the student shall have had the opportunity to:

(a) Summarize information by combining critical concepts into a statement of conclusions and by stating a hypothesis.

(b) Synthesize information by proposing a new plan or system and reinterpreting events in terms of what might have happened.

(c) Use social and political participation skills to communicate effectively, recognize mutual relationships, set goals, plan, organize, and make decisions; keep informed, cooperate, negotiate, compromise, and accept responsibility.

CRITICAL THINKING, PROBLEM SOLVING, AND DECISION MAKING MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001).(1) Upon graduation, the student shall have had the opportunity to:

(a) Develop an ability to classify, interpret, and analyze information in the pursuit of his/her career, civic responsibilities, and economic and private endeavors.

(b) Make decisions based on summarizing data and evaluating alternatives.

SOCIAL STUDIES PROGRAM DEVELOPMENT (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) The social studies curriculum shall be developed and evaluated according to the standards for all program areas.

(2) Students shall be encouraged to take advantage of spontaneous curiosity as it occurs in order to foster learning from current issues and events.

(3) Teachers shall recognize the effectiveness of thematic units that integrate social studies into cross-curriculum learning.

(4) Instruction in the social studies shall take advantage of out-of-classroom programs and resource people, natural and field experiences, and public service activities that enhance student learning.

BUSINESS AND OFFICE EDUCATION MODEL LEARNER GOALS (In accordance with ARM 10.55.603 and ARM 10.55.1001)

(1) If offered, a course of study in business and office education shall give the student the opportunity to:

(f) Display leadership, citizenship, and cooperation developed through membership and participation in civic and vocational organizations.

GUIDANCE: PERSONAL DEVELOPMENT MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(b) Experience security in his/her school environment.

(d) Develop decision-making skills and accept responsibility for his/her decisions.

GUIDANCE: PERSONAL DEVELOPMENT MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to develop:

(a) A sense of conscience, morality, personal value, and self-worth.

(f) Strong decision-making skills and an acceptance of responsibility for his/her decisions.

GUIDANCE: PERSONAL DEVELOPMENT MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, a student shall have had the opportunity to:

(a) Develop personal independence as a responsible adult.

GUIDANCE: SOCIAL DEVELOPMENT MODEL LEARNER GOALS: PRIMARY (In accordance with ARM 10.55.603 and ARM 10.55. 1001) (1) By the end of the primary level, the student shall have had the opportunity to:

(c) Understand and appreciate the rights of others.

GUIDANCE: SOCIAL DEVELOPMENT MODEL LEARNER GOALS: INTERMEDIATE (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) By the end of the intermediate level, the student shall have had the opportunity to:

(a) Gain a sense of social recognition.

(b) Have the opportunity to establish close peer relationships.

(c) Recognize and respect the fact that different people have different values and systems of values.

GUIDANCE: SOCIAL DEVELOPMENT MODEL LEARNER GOALS: UPON GRADUATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Upon graduation, the student shall have had the opportunity to:

(a) Develop a sense of responsibility to self, others, and society.

(b) Use abilities and skills in establishing and maintaining family, peer, and community relationships.

MODEL LEARNER GOALS THEMATIC QUESTIONS

Model learner goals for this document are stated in the form of sample thematic questions. These questions are categorized according to the six themes around which this guide is organized. The questions are further grouped by the grade level cluster at which they are introduced. In addition, each question is accompanied by a list of law-related and tribal law-related concepts relating to the question.

For example, for a fifth grade lesson or unit from the AUTHORITY theme, one might choose the organizing question, "How do leaders gain authority in various cultures?" Using the concepts listed with the question, content questions could be created for developing specific lessons or tasks. Such questions might include, "How are the results of national elections determined in the U.S.?"; "How do American Indians become members of their tribal councils?"; "How does an American Indian become a chief? Is the process the same in all tribes?"; "Besides elections, what other methods do cultures use to grant authority?"

> ***We therefore ask you while you are teaching school children, teach them the truth about the First Americans . . . Why not teach school children more of the wholesome proverbs and legends of our people? That we killed game only for food, not for fun . . . Tell your children of the friendly acts of Indians to the white people who first settled here. Tell them of our leaders and heroes and their deeds . . . Put in your history books the Indian's part in the World War. Tell how the Indian fought for a country of which he was not a citizen, for a flag to which he had no claim, and for a people who treated him unjustly.***
>
> ***—Grand Council Fire of American Indians***
> ***to the Mayor of Chicago, 1927***

Model Learner Goals/Thematic Questions • ***AUTHORITY***	**Concepts**	
PRIMARY • K-2 •	***LRE***	***AMERICAN INDIAN***
• What is a tribe?	• Authority, sovereignty	• Sovereignty, tribe, family
• What is private property?	• Property rights, privacy	• Communal property
• What is communal property?	• Property rights, privacy	• Communal property, tribe
• How do groups best make decisions (compromise, consensus)?	• Intergovernmental relations, Constitutional principles, consensus	• Tribe, band, rules, customs
• What are the basic human rights?	• Constitutional principles, privacy, expression	• Customs, tradition
• How do our actions reflect understanding of basic human rights?	• Constitutional principles, responsibility, consensus	• Customs, tribal sovereignty
• Who are the authority figures in various cultures?	• Authority, sovereignty	• Elders, chief, tribe, tribal council
INTERMEDIATE • 3-5 •	***LRE***	***AMERICAN INDIAN***
• How do an individual's decisions affect other citizens?	• Privacy, Constitutional principles	• Tribe, customs, family
• When do the responsibilities of citizenship take precedence over personal rights?	• Privacy, consensus, property rights, authority responsibility	• Customs, tribal religion
• When do rights of free expression conflict with the rights of other members of society?	• Free expression, privacy, property rights, justice	• Customs, sovereignty
• How do leaders gain authority in various cultures?	• Authority, sovereignty	• Elders, chief, customs, council
• What is the procedure for conducting peer mediation in order to resolve conflict?	• Intergovernmental relations, consensus, responsibility	• Tribal council, customs, treaties
• What are the responsibilities of authorities in various cultures?	• Authority, sovereignty	• Tribal council, customs, chief, self-determination
MIDDLE SCHOOL • 6-8 •	***LRE***	***AMERICAN INDIAN***
• How do symbols reflect values and attitudes of a society?	• Tradition	• Customs, tribal religion
• What is sovereignty?	• Sovereignty, authority	• Tribe, chief, tribal council
• How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?	• Sovereignty, consensus, tradition, property rights	• Tribal government, customs
• How are Tribal Councils similar to/different from each other and other governmental bodies?	• Constitutional principles, authority, jurisdiction, authority	• Tribal council, chief elders, customs
• What is jurisdiction?	• Authority, jurisdiction	• Self-determination, tribal council
• What are some components of contemporary Indian governments?	• Authority, sovereignty, • Constitutional principles, intergovernmental relations	• Customs, consensus tribal council
• How do Montana's Indian cultures compare with each other, both historically and currently?	• Authority, sovereignty	• Tribal council, customs, elders
• How are governments and tribes trying to solve problems concerning natural resources?	• Consensus, tradition, authority, sovereignty	• Customs, religion
• How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas?	• Responsibility, privacy, tradition	• Customs

Model Learner Goals/Thematic Questions	**Concepts**	
AUTHORITY **(cont.)** ***High School • 9-12 •***	***LRE***	***American Indian***
• How does sovereignty apply to Indian nations?	• Sovereignty, authority	• Self-determination, tribe, religion, customs
• How are Indian nations recognized in the U.S. constitution?	• Constitutional principles, sovereignty, jurisdiction	• Tribe, customs, tribal sovereignty
• How do state, federal and Indian Bills of Rights compare to each other?	• Intergovernmental relations, Constitutional principles	• Self-determination, customs, tribal religion
• How do basic courtroom procedures vary in different jurisdictions?	• Jurisdiction, justice, case law Constitutional principles	• Tribal council, self-determination
• What is the nature of conflicts between modern tribal and state governments?	• Jurisdiction, intergovernmental relations, justice	• Tribal council, tribe, customs
• What is tribal jurisdiction and how does it interact with other bodies of authority?	• Sovereignty, authority, Constitutional principles, consensus	• Tribal council, customs
• What is the role of the federal government in solving disputes between states and the Indian reservations within those states?	• Sovereignty, authority, • Constitutional principles consensus	• Tribal council, customs
• What were the major issues that affected negotiations between tribal nations and the U.S. government?	• Sovereignty, authority, intergovernmental relations, responsibility	• Customs, chief, treaties, religion
• What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?	• Sovereignty, tradition, intergovernmental relations jurisdiction	• Tribal religion, customs, treaties
ENVIRONMENT ***Primary • K-2 •***	***LRE***	***American Indian***
• What is a tribe?	• Authority, sovereignty	• Family, tribe
• What is communal property?	• Property rights, privacy	• Communal property, tribe
• What are the basic human rights?	• Constitutional principles, privacy, expression	• Tribal customs, tradition
• How do our actions reflect understanding of basic human rights?	• Constitutional principles, responsibility, consensus	• Elders, chief, tribal council
Intermediate • 3-5 •	***LRE***	***American Indian***
• How do an individual's decisions affect other citizens?	• Privacy, Constitutional principles, intergovernmental relations	• Tribal customs, family
• When do the responsibilities of citizenship take precedence over personal rights?	• Privacy, sovereignty, consensus, Constitutional principles	• Communal property, sovereignty, customs
* When do rights of free expression conflict with the rights of other members of society?	• Free expression, privacy, responsibility	• Customs, religion
Middle School • 6-8 •	***LRE***	***American Indian***
• How do Montana's Indian cultures compare with each other, both historically and currently?	• Sovereignty	• Tradition, customs, tribal government
• How are governments and tribes trying to solve problems concerning natural resources?	• Consensus, sovereignty, intergovernmental relations	• Tradition, customs
• How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas?	• Responsibility, privacy, tradition	• Customs
• How does Native American Folklore, as taught through legends, reflect tribal values?	• Tradition	• Tribal religion, customs

Model Learner Goals/Thematic Questions	**Concepts**	
***ENVIRONMENT* (cont.)**		
HIGH SCHOOL • 9-12 •	***LRE***	***AMERICAN INDIAN***
• What are major issues that face contemporary tribal governments?	• Authority, responsibility, intergovernmental relations	• Tribal religion, customs, treaties
• How do these issues reflect notions of environmental ethics?	• Authority, responsibility, intergovernmental relations	• Tribal religion, customs, treaties
• What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?	• Sovereignty, tradition, intergovernmental relations, jurisdiction	• Tribal religion, customs, treaties
• What were the major issues that affected negotiations between tribal nations and the U.S. government? in authority? in various cultures?	• Sovereignty, authority, intergovernmental relations, responsibility	• Customs, chief, treaties, religion
JUSTICE		
PRIMARY CLUSTER • K-2 •	***LRE***	***AMERICAN INDIAN***
• How do groups best make decisions (compromise, consensus)?	• Responsibility, authority, consensus, sovereignty, intergovernmental relations	• Tribe, family, councils
• What are the basic human rights?	• Privacy, justice, property rights	• Cultural rights, tradition, tribal council
• How do our actions reflect understanding of basic human rights?	• Responsibility, authority, tradition, property rights, jurisdiction, Constitutional principles	• Cultural rights, customs
• Who are the authority figures in various cultures?	• Authority, sovereignty, Constitutional principles	• Chief, council, elders, reservation
INTERMEDIATE • 3-5 •	***LRE***	***AMERICAN INDIAN***
• How do an individual's decisions affect other citizens?	• Privacy, responsibility, justice, Constitutional principles	Family, band, tribe
• When do the responsibilities of citizenship take precedence over personal rights?	• Privacy, justice, sovereignty, Constitutional principles, intergovernmental relations	Tribal, family, customs
• When do rights of free expression conflict with the rights of other members of society?	• Expression, responsibility, privacy, Constitutional principles	Customs, culture
• How do leaders gain authority in various cultures?	• Responsibility, authority, sovereignty, jurisdiction	Tribal government, reservation government, elders, customs
• What is the procedure for conducting peer mediation in order to resolve conflict?	• Case law, justice, consensus	Tribal council, tradition, customs
• What are the responsibilities of authorities in various cultures?	• Sovereignty, jurisdiction, responsibility, authority	Elders, chief, family, tribal government
MIDDLE SCHOOL • 6-8 •	***LRE***	***AMERICAN INDIAN***
• What is sovereignty?	• Sovereignty, authority, responsibility	Elders, chief, tribal councils
• What are the rights guaranteed under the First Amendment?	• Constitutional principles, expression, responsibility	Tribal religion, customs
• How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?	• Sovereignty, consensus, tradition, property rights, responsibility, authority	Tribal government, customs
• What are good ways to discuss differing points of view?	• Consensus, justice, Constitutional principles, intergovernmental relations	Negotiations, treaties, elders, customs
• What are some components of contemporary Indian governments?	• Constitutional principles, sovereignty	Tribe, elders, council, tribal religions
• How are governments and tribes trying to solve problems concerning natural resources?	• Sovereignty, jurisdiction, intergovernmental relations, consensus	Treaties, customs, religious sites
• How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas?	• Responsibility, consensus, citizenship	Reservation, tribe, family, tribal religion

Model Learner Goals/Thematic Questions ***JUSTICE* (CONT.)**	**Concepts**	
HIGH SCHOOL • 9-12 •	***LRE***	***AMERICAN INDIAN***
• How are Indian nations recognized in the U.S. Constitution?	• Sovereignty, jurisdiction, Constitutional principles	• Tribal sovereignty, treaties, council, elders
• What are the rights guaranteed under the Constitution/Bill of Rights?	• Constitutional principles, responsibility, expression, privacy, property rights	• Sovereignty
• How do state, federal and Indian Bills of Rights compare to each other?	• Constitutional principles, property rights, sovereignty, jurisdiction	• Self-determination, customs, tribal religion
• How do basic courtroom procedures vary in different jurisdictions?	• Jurisdiction, case law, justice, Constitutional principles	• Tribal customs, sovereignty
• What is the nature of conflicts between modern tribal and state governments?	• Authority, jurisdiction, case law, tradition, intergovernmental relations	* Retrocession, customs, elders, tribal council
• What is tribal jurisdiction and how does it interact with other bodies of authority?	• Jurisdiction, authority, intergovernmental relations, sovereignty	• Elders, tribal council, customs
• What is the role of the federal government in solving disputes between states and the Indian reservations within those states?	• Consensus, authority, Constitutional principles, justice, sovereignty	• Treaties, customs, tribal council, self-determination
• What were the major issues that affected negotiations between tribal nations and the U.S. government?	• Sovereignty, jurisdiction, intergovernmental relations	• Treaties, sovereignty, self-determination, customs
PRIVACY ***PRIMARY • K-2 •***	***LRE***	***AMERICAN INDIAN***
• What is private property?	• Privacy, property rights	• Customs
• What is communal property?	• Privacy, property rights	• Customs, tribal religion
• What are the basic human rights?	• Privacy, property rights	• Customs
• How do our actions reflect understanding of basic human rights?	• Privacy, sovereignty, • Constitutional principles, responsibility	• Customs, tribal religion, tribal sovereignty
INTERMEDIATE • 3-5 •	***LRE***	***AMERICAN INDIAN***
• How do an individual's decisions affect other citizens?	• Privacy, property rights, Constitutional principles, responsibility	• Communal property, tribal religion, customs
• When do the responsibilities of citizenship take precedence over personal rights?	• Privacy, consensus, property rights, authority, responsibility	• Customs, tribal religion
• When do rights of free expression conflict with the rights of other members of society?	• Free expression, privacy, property rights, justice	• Customs, sovereignty
MIDDLE SCHOOL • 6-8 •	***LRE***	***AMERICAN INDIAN***
• How do ideas of private and communal property interact/conflict?	• Property rights, privacy, intergovernmental relations, jurisdiction	• Communal property, sovereignty
• What is jurisdiction?	• Jurisdiction, authority, sovereignty	• Tribal sovereignty
• What is the American Indian Religious Freedom Act?	• Constitutional principles, intergovernmental relations	• Tribal religion, customs, treaties
• How does Native American Folklore, as taught through legends, reflect tribal values?	• Tradition	• Customs, tribal religion

Model Learner Goals/Thematic Questions ***PRIVACY* (cont.)**	**Concepts**	
***HIGH SCHOOL* • 9-12 •**	***LRE***	***AMERICAN INDIAN***
• How does sovereignty apply to Indian nations?	• Sovereignty, authority	• Tribal council, customs, elders, self-determination
• What are the rights guaranteed under the Constitution/Bill of Rights?	• Constitutional principles, responsibility	• Self-determination, customs
• How do state, federal and Indian Bills of Rights compare to each other?	• Intergovernmental relations, Constitutional principles	• Self-determination, customs, tribal religion, treaties
• What were the major issues that affected negotiations between tribal nations and the U.S. government?	• Sovereignty, tradition, privacy Constitutional principles, authority, property rights	• Communal property, customs, religion, treaties
RESPONSIBILITY ***PRIMARY* • K-2 •**	***LRE***	***AMERICAN INDIAN***
• What is a tribe?	• Authority, sovereignty	• Sovereignty, family, tribe
• What is private property?	• Property rights, privacy	• Communal property
• What is communal property?	• Property rights, privacy	• Communal property, tribe
• How do groups best make decisions (compromise, consensus)?	• Intergovernmental relations, Constitutional principles, consensus	• Tribe, band, elders, customs
• What are the basic human rights?	• Constitutional principles, privacy, expression	• Tribal customs, traditions
• How do our actions reflect understanding of basic human rights?	• Constitutional principles, responsibility, consensus	• Customs, sovereignty
• Who are the authority figures in various cultures?	• Authority, sovereignty	• Elders, chief, tribe, tribal council
***INTERMEDIATE* • 3-5 •**	***LRE***	***AMERICAN INDIAN***
• How do an individual's decisions affect other citizens?	• Constitutional principles, intergovernmental relations, privacy	• Tribe, customs, family
• When do the responsibilities of citizenship take precedence over personal rights?	• Privacy, sovereignty, consensus, Constitutional principles	• Communal property, sovereignty, customs
• When do rights of free expression conflict with the rights of other members of society?	• Free expression, privacy, responsibility	• Customs, religion
• How do leaders gain authority in various cultures?	• Authority, sovereignty	• Elders, chief, customs, council
• What are the responsibilities of authorities in various cultures?	•Authority, sovereignty, Constitutional principles, intergovernmental relations	• Tribe, chief, family council

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Model Learner Goals/Thematic Questions	**Concepts**	
***RESPONSIBILITY* (cont.)**		
MIDDLE SCHOOL • 6-8 •	***LRE***	***AMERICAN INDIAN***
• How do ideas of private and communal property interact/conflict?	• Property rights, privacy	• Communal property, customs
• What is sovereignty?	• Sovereignty, authority	• Treaties, elders, chief
• What is the American Indian Religious Freedom Act?	• Constitutional principles	• Tribal religion, customs
• What are the rights guaranteed under the First Amendment?	• Expression, religion, press, Constitutional principles	• Tribal religion, customs
• How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?	• Sovereignty, consensus, property rights, authority responsibility	• Tribal government, authority
• How are Tribal Councils similar to/different from each other and other governmental bodies?	• Authority, sovereignty, jurisdiction	• Tribal council, tribe, customs
• What is jurisdiction?	• Jurisdiction, authority	• Tribal council
• What are good ways to discuss differing points of view?	• Consensus, Constitutional principles, intergovernmental relations	• Pow wow, customs, tribal council
• What are some components of contemporary Indian governments?	• Constitutional principles, sovereignty, tradition	• Tribal council, customs
• How do Montana's Indian cultures compare with each other, both historically and currently?	• Sovereignty	• Tradition, customs, tribal government, treaties
• How are governments and tribes trying to solve problems concerning natural resources?	• Consensus, sovereignty, Intergovernmental relations	• Tradition, customs, self-determination
• How does Native American Folklore, as taught through legends, reflect tribal values?	• Tradition	• Customs, tribal religion
HIGH SCHOOL • 9-12 •	***LRE***	***AMERICAN INDIAN***
• How does sovereignty apply to Indian nations?	• Sovereignty, authority	• Self-determination, elders, tribal council, customs
• What are the rights guaranteed under the Constitution/ Bill of Rights?	• Responsibility, privacy, Constitutional principles	• Self-determination, customs
• How do state, federal and Indian Bills of Rights compare to each other?	• Intergovernmental relations, Constitutional principles	• Self-determination, customs
• How do basic courtroom procedures vary in different jurisdictions?	• Jurisdiction, justice, case law, Constitutional principles	• Tribal council, self-determination
• What is the role of the federal government in solving disputes between states and the Indian reservations within those states?	• Sovereignty, authority, consensus, Constitutional principles	• Tribal council, customs
• What were the major issues that affected negotiations between tribal nations and the U.S. government?	• Sovereignty, authority, intergovernmental relations, responsibility	• Customs, chief, treaties, religion
• How do these issues reflect notions of environmental ethics?	• Authority, responsibility, intergovernmental relations	• Tribal religion, customs, treaties
• What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?	• Sovereignty, tradition, intergovernmental relations jurisdiction	• Tribal religion, customs, treaties
SPIRITUALITY		
PRIMARY • K-2 •	***LRE***	***AMERICAN INDIAN***
• What are the basic human rights?	• Privacy, property rights	• Tribal religion, customs
• How do our actions reflect understanding of basic human rights?	• Privacy, sovereignty, Constitutional principles, responsibility	• Customs, tribal sovereignty, tribal religion
• Who are the authority figures in various cultures?	• Authority, sovereignty	• Elders, chief, tribe, tribal council

Model Learner Goals/Thematic Questions ***SPIRITUALITY*** **(cont.)**	**Concepts**	
INTERMEDIATE • 3-5 •	***LRE***	***AMERICAN INDIAN***
• How do an individual's decisions affect other citizens?	• Privacy, Constitutional principles, intergovernmental relations	• Tribe, customs, family
• When do the responsibilities of citizenship take precedence over personal rights?	• Privacy, sovereignty, Constitutional principles,	• Communal property, elders, customs
• When do rights of free expression conflict with the rights of other members of society?	• Free expression, privacy responsibility	• Customs, religion
• How do leaders gain authority in various cultures?	• Authority, sovereignty	• Elders, chief, customs, council
• What are the responsibilities of authorities in various cultures?	• Authority, sovereignty, Constitutional principles, intergovernmental relations	• Tribe, chief, family, council
MIDDLE SCHOOL • 6-8 •	***LRE***	***AMERICAN INDIAN***
• How do symbols reflect values and attitudes of a society?	• Tradition	• Customs, tribal religion
• What is the American Indian Religious Freedom Act?	• Constitutional principles, intergovernmental relations	• Tribal religion, customs, treaties
• How do Montana's Indian cultures compare with each other, both historically and currently?	• Sovereignty, authority	• Tradition, customs, treaties, tribal government
• How are governments and tribes trying to solve problems concerning natural resources?	• Consensus, sovereignty, intergovernmental relations	• Tradition, customs
• How does Native American Folklore, as taught through legends, reflect tribal values?	•Tradition	• Tribal religion, customs
HIGH SCHOOL • 9-12 •	***LRE***	***AMERICAN INDIAN***
• What were the major issues that affected negotiations between tribal nations and the U.S. government?	• Sovereignty, authority, intergovernmental relations, responsibility	• Customs, chief, treaties, religion
• What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?	• Sovereignty, tradition, intergovernmental relations, jurisdiction	• Tribal religion, customs, treaties

SOCIAL STUDIES THEMATIC QUESTIONS FOCUSING ON INDIAN LAW-RELATED EDUCATION

1. Cultural Heritage

Primary K-2

- What is a tribe?
- Who are the authority figures in various cultures?

Intermediate 3-5

- What are the responsibilities of authorities in various cultures?

Middle School 6-8

- What is the American Indian Religious Freedom Act?
- How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?
- How does Native American Folklore, as taught through legends, reflect tribal values?

High School 9-12

- What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?

2. Social History

Primary K-2

- What is a tribe?

Intermediate 3-5

- How do leaders gain authority in various cultures?
- When do rights of free expression conflict with the rights of other members of society?

Middle School 6-8

- How do symbols reflect values and attitudes of a society?

3. Tradition and Change

Middle School 6-8

- How do symbols reflect values and attitudes of a society?
- What is jurisdiction?
- How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas?
- How does Native American Folklore, as taught through legends, reflect tribal values?

High School 9-12

- How does sovereignty apply to Indian nations?
- How do basic courtroom procedures vary in different jurisdictions?
- What are major issues that face contemporary tribal governments?

4. Social Contracts

Primary K-2

- What is private property?
- What is communal property?
- How do groups best make decisions (compromise, consensus)?
- What are the basic human rights?
- How do our actions reflect understanding of basic human rights?

Intermediate 3-5

- How do an individual's decisions affect other citizens?
- What is the procedure for conducting peer mediation in order to resolve conflict?

Middle School 6-8

- How do ideas of private and communal property interact/conflict?
- What are good ways to discuss differing points of view?
- What are some components of contemporary Indian governments?

High School 9-12

- How are Indian nations recognized in the U.S. Constitution?
- What are the rights guaranteed under the Constitution/Bill of Rights?
- What is the role of the federal government in solving disputes between states and the Indian reservations within those states?

5. Citizenship

Primary K-2

- How do groups best make decisions (compromise, consensus)?
- What are the basic human rights?
- How do our actions reflect understanding of basic human rights?

Intermediate 3-5

- How do an individual's decisions affect other citizens?
- When do the responsibilities of citizenship take precedence over personal rights?
- When do rights of free expression conflict with the rights of other members of society?
- What is the procedure for conducting peer mediation in order to resolve conflict?

Middle School 6-8

- What is the American Indian Religious Freedom Act?
- What are the rights guaranteed under the First Amendment?
- How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?

High School 9-12

- What are the rights guaranteed under the Constitution/Bill of Rights?

6. Political/Economic

Primary K-2

- What is a tribe?
- Who are the authority figures in various cultures?

Intermediate 3-4

- How do leaders gain authority in various cultures?
- What are the responsibilities of authorities in various cultures?

Middle School 6-8

- How do ideas of private and communal property interact/conflict?
- What is sovereignty?
- How are Tribal Councils similar to/different from each other and other governmental bodies?
- What is jurisdiction?
- What are some components of contemporary Indian governments?
- How do Montana's Indian cultures compare with each other, both historically and currently?
- How are governments and tribes trying to solve problems concerning natural resources?

High School 9-12

- How does sovereignty apply to Indian nations?
- How do basic courtroom procedures vary in different jurisdictions?
- What is the nature of conflicts between modern tribal and state governments?
- What is tribal jurisdiction and how does it interact with other bodies of authority?
- What were the major issues that affected negotiations between tribal nations and the U.S. government?

7. Technology

Middle School 6-8

- How are governments and tribes trying to solve problems concerning natural resources?

High School 9-12

- What are the conflicts that arise from economic developments, sacred tribal sites, and environmental issues?

8. Space, Place, Movement

Primary K-2

- What is private property?
- What is communal property?

Middle School 6-8

- How do contemporary lifestyles of Indians living on Montana reservations compare with those in urban areas?

High School 9-12

- What is the nature of conflicts between modern tribal and state governments?
- What were the major issues that affected negotiations between tribal nations and the U.S. government?
- How do these issues reflect notions of environmental ethics?

9. Global Perspective

Middle School 6-8

- What is sovereignty?
- How are Tribal Councils similar to/different from each other and other governmental bodies?

High School 9-12

- What are major issues that face contemporary tribal governments?
- How do these issues reflect notions of environmental ethics?

10. Interdependence

Primary K-2

- What is communal property?

Intermediate 3-5

- How do an individual's decisions affect other citizens?
- When do the responsibilities of citizenship take precedence over personal rights?

Middle School 6-8

- What are the rights guaranteed under the First Amendment?
- How was the U.S. Constitution influenced by the governmental organization of the Iroquois league?
- What are good ways to discuss differing points of view?
- How do Montana's Indian cultures compare with each other, both historically and currently?

High School 9-12

- How are Indian nations recognized in the U.S. constitution?
- How do state, federal and Indian Bills of Rights compare to each other?
- What is tribal jurisdiction and how does it interact with other bodies of authority?
- What is the role of the federal government in solving disputes between states and the Indian reservations within those states?

The following scope and sequence chart is based on the typical developmental ages of the students at each grade cluster level and is stated in the form of brief, broad objectives, or goals.

K-2 Cluster

- Examine the social units of family, community, tribe
- Explore the concepts of right and wrong
- Introduce the ideas of "me" and "we"
- Identify rules affecting one's life
- Examine the need for rules that work
- Develop skills for working with others
- Introduce the concept of self-responsibility
- Integrate ILRE concepts with literature, social studies, and other disciplines

3-5 Cluster

- Examine social, natural, and political environments
- Identify one's place in family, community, tribe, nation
- Investigate the relevance of geography to movement, settlement and placement of groups of people
- Develop participation and decision-making skills
- Compare lifestyles of various tribes and other cultural groups
- Connect cultural and historical events to ideas and customs to look at different perspectives
- Introduce roles and responsibilities of people with authority
- Investigate the various facets of governments
- Integrate ILRE concepts with literature, social studies, and other disciplines

6-8 Cluster

- Develop critical thinking skills
- Investigate various activities of responsible members of family, community, tribe, state and nation
- Apply participation and decision-making skills
- Compare the frameworks of diverse governments
- Examine the workings of the justice system
- Practice looking at issues from different points of view
- Explore the process of fact-finding
- Integrate ILRE concepts with all curricular areas

9-12 Cluster

- Explore the systems and processes that make democratic societies work; e.g., law, justice and economics
- Promote acknowledgement and understanding of the interdependence of diverse cultures
- Develop the skills necessary to become responsible members of family, community, tribe, state, nation, and world
- Foster the recognition of the intrinsic influence of customs, rules and laws on all aspects of daily life
- Integrate ILRE with all disciplines

SECTION III

- **Assessment in an Indian Law-Related Education Setting**
- **Assessment Procedure**
- **Evaluation Methods**

SECTION III:
ASSESSMENT

✵ ASSESSMENT IN AN ILRE SETTING ✵

Assessment of the students' work, of the effectiveness of each lesson, and of the ILRE curriculum is vital. By assessing student work, teachers can determine whether a lesson needs to be changed in any way, whether more pre-teaching was needed, whether methods used were effective for the class, therefore avoiding an ineffective lesson in the future. Just as a variety of teaching methods and activities is important, so is a variety of assessment tools. The writers of this guide suggest that the teacher consults the assessment section of the *Montana Social Studies Model Curriculum Guide* for a variety of assessment techniques. In addition, there are some necessary components for effective ILRE lessons that must be considered when planning for assessment.

The first component is the existence of well-written objectives which are clear and measurable. Assessment is the measurement of how well those objectives were met.

The second component is the use of Community Resource Persons (CRPs) from the justice system, various levels of governments (including tribal), and related professions. Not only are CRPs important to a successful ILRE program, they are helpful in evaluating and clarifying student responses. This is especially useful to the teacher with little background in the law or government.

The third component is the use of a variety of participatory activities for ILRE lessons. This, of course, requires appropriate performance-based assessment tools.

The fourth component is the inclusion of a debriefing process at the close of an ILRE lesson. This is a means of immediate feedback to the students who can confirm what they learned or learned to do, and to the teacher who can quickly determine the overall effectiveness of (a) the lesson, and (b) the teaching strategies used. In other words, the debrief is a quick, if not complete, version of assessment.

In this section of the guide, the teacher will find four lessons set up in a different format than those in the sample lessons booklet. The four included here are called, "Sample Task and Assessment Procedures," and demonstrate the use of the above components, as well as examples of assessment rubrics.

For even more information on assessment, contact the Office of Public Instruction.

Indians are polarized between tradition and culture
on one hand and adaptation to the progress
of the dominant culture on the other.
—American Indian Digest:
Facts About Today's American Indians,
1995 ed. Thunderbird Enterprises,
Phoenix, AZ

✸ PRIMARY CLUSTER - GRADES K-2

Responsibility (ILRE Theme)

ORGANIZING QUESTION(S)

What is the difference between private and communal property?

LEARNING GOAL(S)

Distinguish between private property and communal property in specific social settings.

THEMATIC QUESTIONS/CONTENT

- What is private property? (concept of individual ownership)
- What is communal property? (concept of mutual ownership)
- What is mine; what is yours; what is ours?
- What are cultural rules for borrowing?
- What are cultural rules for lending?
- How do we show respect for all property?

PERFORMANCE TASK

Individual Performance Tasks

1. Each student will bring a personal item from home to share with the class. The student will explain what importance the object holds for him/herself.
2. Each student designs and creates a quilt square that reflects the quilt's designated theme, then explains the meaning of his/her square to the class.

Group Performance Tasks

3. With the assistance of adults, the students will join their own quilt squares to create a communal quilt wall hanging to be displayed at the Native American Day festivities.
4. The class will create and perform a poem or song related to the designated quilt theme.

DEBRIEF OF LESSON

The class discusses the following questions:

- Did each quilt square belong to someone? To whom?
- Who owns the quilt now? Why?
- Can you take the quilt home without permission? Why or why not?

RUBRIC

3—The personal sharing reflects the understanding of the concept of private ownership and clearly states the object's importance.

2—The quilt square design and its explanation relate to the designated theme.

1—Participation in both the creation and the performance of the song/poem is active and appropriate.

✸ INTERMEDIATE CLUSTER - GRADES 3-5

Environment (ILRE Theme)

ORGANIZING QUESTION(S)

How are other people affected by decisions made by individuals?

LEARNING GOAL(S)

Connect cause and effect to the consequences of incidents in a story, and apply them to a real-life situation.

THEMATIC QUESTIONS/CONTENT

- What does "cause and effect" mean?
- What are some of the everyday decisions that individuals make?
- What are some examples of positive and negative consequences students face as a result of their decisions?
- What are some of the long-term decisions that individuals or groups need to consider regarding their environment?
- What are some rules and laws that limit our actions in order to protect the environment?

PERFORMANCE TASK

Individual Performance Tasks

1. Each student will "teach" one environmental law fact to at least three other students.
2. Each student will share with the entire class one fact he/shelearned other than his/her own until all facts are presented.

Group Performance Tasks

3. Based upon the incidents in the story And Still the Turtle Watched (or a similar story) and upon the facts learned in the "Each One Teach One" activity, each group will create a collage which reflects their knowledge and perspectives relative to the environment.

DEBRIEF OF LESSON

4. Using butcher paper attached to the displayed posters, each student writes one example of an environmental fact he found on the poster, repeating the process for each poster. Each student will place his initials beside his comments.

5. The class discusses the following questions:

   - What can young people do to help protect the environment?
   - In what ways do you think the environment is being threatened?
   - In what ways do you think the environment is being protected?

RUBRIC

4—Facts are presented clearly to three students; active listening is demonstrated through appropriate body language and correct oral repetition of facts learned/individual cooperation and contribution significantly enhances the group's progress; the visual and oral components of the collage and the debrief reinforce the audience's understanding of the topic, its ongoing problems and possible solutions.

3—Facts are read verbatim to three students; effort to actively listen is demonstrated by body language and oral repetition of one fact; individual cooperation and contribution somewhat enhances the group's progress; the visual and oral components of the collage and the debrief reinforce to a degree the audience's understanding of the topic, its ongoing problems and possible solutions.

2—Facts are presented in a confusing way; body language and/or incorrect oral repetition of facts indicates lack of active listening; individual cooperation and contribution toward the group's progress is lacking; the visual and oral components of the collage and the debrief confuse the audience's understanding of the topic, its ongoing problems and possible solutions.

1—Facts are presented flippantly or not at all; negative body language and inability to repeat facts orally demonstrate no attempt to actively listen; individual cooperation and contribution detract from the group's progress; the visual and oral components of the collage and the debrief show little relevance to the topic or its ongoing problems, and offer no possible solutions.

✸ MIDDLE SCHOOL CLUSTER - GRADES 6-8

Authority (ILRE Theme)

ORGANIZING QUESTION(S)

What is government and what should it do?

LEARNING GOAL(S)

Demonstrate an understanding of the form and function of tribal governments.

THEMATIC QUESTIONS/CONTENT

- What is tribal government?
- What is the purpose and function of tribal governments?
- How are tribal governments organized?
- How do tribal governments make, apply, and enforce rules and laws for others?
- Where do the people in tribal governments get their authority to make, apply, and enforce rules and laws and to manage disputes about them?

PERFORMANCE TASKS

Individual Performance Tasks

1. Each student will prepare a visual flow chart of tribal government describing the structure, purpose, and function of a specific tribal government.
2. Following the study of tribal governments, the class will visit a tribal council meeting. Each student will participate in a reenactment of a tribal council meeting.

Group Performance Task

3. Working in cooperative groups, students will select and investigate a tribal (concern) problem. Each group will pretend to be members of the tribal council, and will propose a solution to the problem (concern). Students will predict the impact of their proposed solution and present the predicted results of implementation of their solution through an oral presentation and the use of visuals, e.g., graphs, flowmaps, charts, etc. The presentation will be given to the class and/or to a panel of local adults (possibly members of the tribal council).

DEBRIEF OF LESSON

The class will discuss the following questions:

- What were some of the similarities and differences in the tribal governments studied?
- What were some of the things your group considered when deciding on what solution to propose?

RUBRIC

4—The flow chart accurately describes the structure, purpose and function of the tribal government in a visual format; the presentation demonstrates that the problem and proposed solution are well documented, and uses reliable resources; the proposed solution is realistic and demonstrates a clear understanding of the function and power of the tribal council of the specific tribe chosen for study; the visual and oral components of the presentation significantly enhances the audience's understanding of the problem, the proposed solution, and the predicted results.

3—The flow chart describes with reasonable accuracy the structure, purpose and function of the tribal government in a visual format; the presentation demonstrates some documentation of the problem and proposed solution, and uses reliable resources; the proposed solution is realistic and reflects some understanding of the function and power of the tribal council of the specific tribe chosen for study; and visual and oral components of the presentation somewhat enhance the audience's understanding of the problem, the proposed solution, and the predicted results.

2—The flow chart describes in confusing visual format and with a few errors the structure, purpose and function of the tribal government; the presentation demonstrates little documentation of the problem and proposed solution, and reliability of resources used is questionable; the proposed solution is unrealistic and/or reflected little understanding of the function and power of the tribal council of the specific tribe chosen for the study; the visual and oral components of the presentation tend to confuse the audience's understanding of the problem, the proposed solution, and the predicted results.

1—The flow chart inaccurately and in confusing visual format attempts to describe the structure, purpose and function of the tribal government; the presentation is unsupported by documentation of the problem and proposed solution, or by reliable resources; the proposed solution is unrealistic, reflects little understanding of the function and power of the tribal council, and is not relevant to the specific tribe chosen for study; the visual and oral components of the presentation confuse the audience's understanding of the problem, the proposed solution, and the predicted results.

✸ HIGH SCHOOL CLUSTER - GRADES 9-12

Spirituality (ILRE Theme)

ORGANIZING QUESTION(S)

- What protections are guaranteed in the American Indian Freedom of Religion Act (A.I.F.R.A.)?
- What rights are guaranteed to all people under the freedom of religion clause of the First Amendment to the Bill of Rights?

LEARNING GOAL(S)

Demonstrate an understanding of the reasons why American Indians have been granted certain religious rights that go beyond the limitations imposed by the First Amendment to the Bill of Rights.

THEMATIC QUESTIONS/CONTENT

- In what settings are American Indians allowed to practice their religion?
- What is the difference between the establishment clause and the free exercise clause?
- What provisions were granted in the American Indian Freedom of Religion Act that specifically addresses traditional religions of the American Indians?
- What impact does the decision in the case Lee v. Weisman have on students in Montana?

PERFORMANCE TASK

Individual Performance Tasks

1. Each student will create and draw a symbol and explain its meaning to the class.
2. Each student will identify and explain in writing the symbolism depicted in the movie, Walking in a Sacred Manner.

Group Performance Tasks

3. Small groups will determine the connection between Lee v. Weisman, A.I.F.R.A., and the movie, then orally report their findings to the class.
4. The class will collectively label the individually created symbols by categories such as "animals, environment and religion."

5. The class will discuss the use of the symbols in relation to the provisions of A.I.F.R.A. and the First Amendment.

DEBRIEF OF LESSON

1. What are some symbols used in non-Indian religions? What restrictions are placed on their use? Why?

2. Why are Indian religions allowed much more latitude?

3. What did you learn that you didn't already know?

RUBRIC

4—The explanation of the created symbol is clear and logical; the written interpretation of symbolism from the film demonstrates mastery of critical observation skills and a basic understanding of the symbols' meanings; the presentation illustrates a clear comprehension of the impact of the cited laws on the practices of Indian and non-Indian religions; participation in the discussion reveals an accurate working knowledge of the connections between the annotated symbols and film symbols and their relation to A.I.F.R.A. and the First Amendment.

3—The explanation of the created symbol is reasonably clear and logical; the written interpretation of symbolism from the film demonstrates some mastery of critical observation skills and a basic understanding of the symbols' meanings; the presentation illustrates a comprehension of some of the impact of the cited laws on the practices of Indian and non-Indian religions; participation in the discussion reveals a basic working knowledge of the connections between the annotated symbols and film symbols and their relation to A.I.F.R.A. and the First Amendment.

2—The explanation of the created symbol is reasonably clear, but lacks logic; the written interpretation of symbolism from the film shows little mastery of critical observation skills or a lack of basic understanding of the symbols' meanings; the presentation illustrates little comprehension of the impact of the cited laws on the practices of Indian and non-Indian religions; participation in the discussion is minimal and shows little knowledge of the connections between the annotated symbols and film symbols and their relation to A.I.F.R.A. and the First Amendment.

1—The explanation of the created symbol is unclear and lacks logic; the written interpretation of symbolism from the film shows a lack of mastery of critical observation skills and a lack of basic understanding of the symbols' meanings; the presentation demonstrates no comprehension of the impact of the cited laws on the practices of Indian and non-Indian religions; participation in the discussion is nonexistent.

From: Community Storytelling, Northwest Indian Education Technical Assistance Center, Gonzaga University, School of Education, Spokane, WA 99258-0001.

The two methods of evaluation recommended for use in Indian Education programs are *naturalistic evaluation* and *authentic assessment.*

✹ Naturalistic Evaluation

In Guba and Lincoln's book, *Effective Evaluation* (1981, pg. 153), they site three main kinds of measures in collecting data through naturalistic evaluation. These measures are: (a) interviewing, (b) observations, and (c) non-verbal communications.

> "Of all the means of exchanging information or gathering data known to man, perhaps the oldest and most respected is the conversation. Simple or complex, face-to-face exchanges between human beings have served for eons to convey messages, express sympathy, declare wars, make truces, and preserve history. As an extension of that heritage, interviewing—the "conversation with a purpose" (Dexter, 1970, pg. 136)—is perhaps the oldest and certainly one of the most respected of the tools that the inquirer can use." (Guba and Lincoln, 1981).

These approaches resonate with traditional and contemporary tribal values. According to Guba and Lincoln, interviews may take many forms. Interviews may range between loose and unstructured to a highly structured format such as a questionnaire. The interviewer tries to enter the subjective world of interviewee. Guba and Lincoln refer to Gatz and Hoagland's (1978) explorations of questions in unstructured interviewing.

1. Is this question necessary? How will the response be used? Analyzed?
2. Does this question cover the topic? Are other additional questions necessary?
3. How will this question be interpreted? Does the interviewer need other facts concerning the matter before the answer will make sense? Does the interviewer need or want knowledge of the respondent's attitude (preferences, values, beliefs) on the matter? If so, ought one to probe the content, intensity, stability, or depth of those attitudes, values, feelings? What dimensions would be valuable to have?
4. Do the respondents have the information to answer the question? Has the interviewer allowed for differences? How reliable would the interviewer expect the responses to be?
5. How valid overall does the interviewer expect the answer to be? Is the question leading? Is it framed in value-neutral terms? Is it part of a response set? Is the response likely to be adequate? Will the respondent be willing to give the information? Under what circumstances?

> What assumptions are implicit in the question? What is taken for granted by the interviewer? What are possible frames of reference for the questions?

Characteristics and skills of the interviewer are important considerations in providing an effective evaluation. Interviewing skills stressed by Dexter (1970) as reported by Guba and Lincoln (pg. 142, 1981) are:

1. stressing the interviewer's definition of the situation,
2. encouraging the interviewee to structure the account of the situation,
3. letting the interviewee introduce to a considerable extent (an extent which will of course vary from project to project and interviewer to interviewer) his notions of what he regards as relevant, instead of relying upon the investigator's notions of relevance [p. 5].

Tymitz and Wolf (1977) list the necessary traits of an interviewer as:

- People should not be placed as interviewers in situations where they will encounter pet peeves.
- People who are unafraid to enter into new situations but who can also be unobtrusive make good natural inquirers.
- Good listeners make good observers, as do people with a wide range of interests.
- People who are relatively unfamiliar or value free with respect to situations make good participant/observers because they don't feel compelled to interpret. Pack people with the most potential to "go in clean" whenever you can.
- Curious, inquisitive people are good candidates for natural inquire [pp. 12-13].

✸ Authentic Assessment

Authentic assessment is a method of evaluation designed to *reflect real-life situations* and *challenge a student's ability to demonstrate what he or she has learned* (Alaska Native Education and Technical Assistance Center, 1992). There are three assessment strategies described at length as Appendix A. These strategies are: performance and projects, portfolios, and final exhibition.

SECTION IV

- Components for Effective Law-Related Education Lessons
- Community Resource Persons (CRPs): Guidelines for Using Them Effectively
- Suggestions for Handling Controversy for Teachers and Resource People
- Adversary Approach
- Teacher Reminders of How to Relate to the Indian Child
- Examples of Legal Issues Governing American Indian Tribes
- Tribes or Bands Identified as Beneficiary or Wards
- Our Elders From a Native American Perspective
- American Indian Folklore
- Treaty of Fort Laramie Summary
- The Fort Laramie Treaty of 1868
- Treaty of Hellgate

SECTION IV:
APPENDICES

COMPONENTS FOR EFFECTIVE LRE LESSONS

Background Information

What do the students already know? What else do they need to know before proceeding?

Objectives

What do you want the students to know and to be able to do at the end of the lesson? Lesson objectives should be clear, realistic, achievable and measurable.

Participatory Activities

Becoming a responsible citizen requires learning and practicing many skills. An effective LRE lesson provides opportunity to participate in activities such as debate, role-playing, mock hearings and trials, election process, individual and group decision-making, and other forms of critical thinking and civic involvement.

Balanced Use of Case Materials

Rules and laws are developed when ideas and/or actions are in conflict. Therefore, dealing with controversy is an essential part of LRE programs. Issues should be addressed from more than one viewpoint supported by appropriate case materials.

> ***I am sitting outside my hogan. I am thinking, looking at the red rocks, the ridges, the sheep, the plants, and all in my world. I am thinking what it will be like in the future.***
> ***—Thomas Littleben, Rock Point School***

Community Resource Persons

The use of a Community Resource Person (CRP) whenever possible increases the effectiveness and validity of the LRE lesson. The CRP is present not to replace the teacher, but to lend expertise to the lesson. Rather than delivering a lecture, the CRP is most beneficial when working directly with the students, and when given adequate direction and preparation. (See "Community Resource Persons: Guidelines for Using Them Effectively.")

Debrief

Were all the lesson objectives met? The debrief is usually done in the form of a question/answer session to determine what the students learned and to provide immediate feedback to individual students on their own knowledge and skills. The debrief is also useful to the teacher to indicate what needs to be added, changed, or deleted from the lesson for future use, and what follow-up is needed.

Indian LRE

Lessons in American Indian Law-Related Education will be most effective if, in addition to the components described above, there is a clear focus on tribal laws and/or cultural mores. Teachers are also encouraged to be aware and considerate of possible cultural differences that may complement and/or conflict with certain activities or classroom expectations. (See "How to Relate to the Indian Child in the Classroom," "Native American Cultural Differences," and samples of ILRE lessons.)

NOTE: For more information about effective LRE lessons, see "Defining Law-Related Education."

• COMMUNITY RESOURCE PERSONS (CRPS): GUIDELINES FOR USING THEM EFFECTIVELY •

Research has shown that the appropriate use of community resource persons contributes strongly to the effectiveness of Law-Related Education programs. Not only do CRPs bring content knowledge to the lesson, but they also serve as positive adult role models in non-threatening situations. Their interaction with students can help to encourage positive behaviors and favorable attitudes toward the law.

The teacher's first concern should be careful selection of a CRP. The resource person chosen should be knowledgeable about the content being taught, willing to take suggestions about working with students and, hopefully, have a positive attitude about youth.

Because most CRPs are not trained teachers, they need information to make their participation more successful. The resource person needs to be clear in advance about what procedures and results the teacher plans. In many cases, the CRP would prefer to be involved in the planning process. The following guidelines and procedures should help to ensure the CRP's success.

Well before the visit, the CRP should know:

- What is the topic and what strategies do you plan to use? Be specific about what the CRP will do: Judge a mock trial, coach participants in a role play, lead a discussion, etc. Consider the necessity of designing the activities to involve all students, including any who may typically be less enthusiastic.
- What is the class like? Include such details as number of students, age and grade level, cultural background as it affects learning, level of knowledge about the topic.
- What are the practical arrangements? Specify room size and configuration, equipment available, amount of time available, presence of students with special physical or learning style needs.
- How does this lesson fit in your curriculum? Consider how it follows previous lessons and sets up future lessons, its goals and objectives, and what focus you want the CRP to take. It is important to emphasize the need to maintain a balanced presentation, especially when dealing with controversial issues. If your CRP insists on presenting a one-sided viewpoint, you may need to invite a second CRP to present the opposite side.
- What happens at the close of the lesson? Will you or the CRP handle the debrief and what techniques will you use? The CRP may also be helpful during evaluation procedures and in setting up extension activities.

Prior to the CRP's visit, the teacher should prepare the students to positively participate in the lesson by having them create questions to ask, learn something about the CRP's background, or practice a procedure (hearing, debate, etc.). Be sure the students know how they will be evaluated.

SUGGESTIONS FOR HANDLING CONTROVERSY FOR TEACHERS AND RESOURCE PEOPLE

1. Develop classroom rules for handling controversy (share them with the resource person).
2. Make the nature of the disagreement clear. Identify the issue, clarifying areas of agreement and disagreement. Name the underlying assumptions. Avoid slogans. Insist that students be concrete.
3. Make sure that students argue ideas, not personalities.

   Students should attempt to understand other perspectives.

   Students should admit doubts and weaknesses in their position.

   They should concentrate on evidence, not speculation.
4. Good opinions are supported by facts, logically argued, and articulated with clearly defined terms.
5. Remember, the suggestions above should also apply to the adults involved.

Adversary: A Simplified Classroom Trial Technique

Advantages

1. By using *adversary* the students can be introduced into trial proceedings without much of the complexity of doing a mock trial.
2. It saves much time. Generally, adversary can be done very easily within one classroom period.
3. There are no minor roles. Each student critically involved as a major character.
4. Since the students are working in triads, shy or reluctant people are not forced to role play or act in front of others.
5. This can be an ideal method of developing a full mock trial. Simply add the roles as you wish. For example, on day two, each side may have a witness or have a jury involved, etc.

Instructions

1. The activity can be done with any size class.
2. Arbitrarily divide the class into groups of three. If anyone is left over, have them act as observer.
3. Have each participant in each group decide upon a role, such as judge, plaintiff or defendant. They will rotate roles for three rounds.
4. Using the role descriptions below, read the brief statements about each role.
5. Select a case and distribute FACTS of the case to all of the groups. Do not disclose the ISSUE or the DECISION at this time. To extend this activity, simply bring in more cases.*
6. Have the participants role-play within their individual groups. The plaintiff speaks first, then the defendant. The judge may ask questions before he makes his decision and gives his reasons.
7. Have judges explain decisions to the whole class.
8. It is likely that there will be more than one decision per case. Point out that, as in a real courtroom, there are many variables that enter into a decision; e.g., the judge, the testimony, how well the case was presented, etc.
9. Read ISSUE and DECISION to class, if appropriate.

10. Rotate the roles and repeat the process twice with a new case each time.

11. The following questions are suggested for debriefing the activity.

    a. Which is the most difficult role to play? Why?

    b. How well (realistically) did the participants play their roles?

    c. What were the issues in this case?

    d. Were the judge's decisions "fair"?

    **See lesson plans for more ideas.*

Role Descriptions

Judge:	The judge must see that both dies have a fair change to present their cases. The judge should not interrupt or dominate the proceedings.
Plaintiff:	This person has accused the defendant of doing or not doing something which he thinks is unfair. He is the one who has asked the court to hear the case. In a small claims court the plaintiff is asking the judge to make the defendant pay him an amount of money (under $500). He speaks to the judge first.
Defendant:	This person has been accused by the plaintiff. He has been summoned into court and is probably appearing against his will. He listens to the accusation and then either tries to prove it untrue or gives reasons to justify his actions.

Adapted from: Law in America Society Journal of the National Center for Law Education. Volume Two. Number Two. Nov. 1973. "Pro Se Court: A Simulation Game," Arlene Gallagher and Elliott Harstein, pp. 26-30.

TEACHER REMINDERS OF HOW TO RELATE TO THE INDIAN CHILD

Although a number of these techniques relate specifically to American Indian children, many of the techniques addressed apply to effective teaching techniques that should be encouraged for all teaching.

1. Do not expect eye-contact when talking to an Indian child. Lowered eyes and head show respect.
2. The Indian child may not talk freely about himself before you first talk about yourself.
3. An Indian child may not be quick to respond individually. At first, he will perform best in groups. Individual response is often gradual.
4. Indian children at home learn much by observation and are not always allowed to ask questions. Therefore, an Indian student may not ask questions, if he is not urged.
5. Non-Indians should make the first move toward cooperation with the Indians. There will be very little communication with Indian children unless the teacher has the trust of the student.
6. Customarily Indian students have not been asked to express their opinions. They should be encouraged to contribute their thinking.
7. Idioms or expressions could be misunderstood or have no meaning to the child, such as "take your seat." The student may think you mean he should pick up his chair. Remember the child's first language may not be English and all terms are not easily translatable.

Words Are Arrows
Words are arrows
and can pierce you hard.
Anger drips
from the
wounds
of
words
used like
arrows.
And pain
is remembered
in the
scars.
—White Deer of Autumn.
The Native American Book of Change

8. Expect a gentle handshake as a sign of respect.

9. Expect a gentle subdued tone of voice.

10. Expect clock time to be more important to a non-Indian.

11. Avoid ethnocentric questions like, "What do Indians think about?"

12. Moral value differences—modesty maybe misunderstood as reluctance or shyness by the general society.

13. Respect must be mutual and understood.

14. Prejudicial attitudes may be the underlying problems that may not surface immediately yet may be the root of the problem. (This may not be easily recognized.)

15. Watch what you say. Sometimes remarks are made jokingly or unintentionally that affect a child personally. Avoid stereotypes about American Indians.

16. Lack of self-esteem or lack of self-identity. Finding a place to fit in and being accepted may result in problems for the child.

17. Be familiar with the child's culture. Attend American Indian cultural events and make yourself visible within the Indian community.

18. There is a need to know that the cultural values of American Indian children may not be the same values of the general society.

19. Praise and scold privately, rather than in front of one's peer group.

20. Criticize constructively, never destructively. Accent the positive.

21. Smile—be friendly but not aggressive. Respect the child's right to privacy.

22. Do not stand too close, talk loudly, nor too fast.

23. Listen closely, avoid intrusive questions.

24. The use of humor is important.

25. Do not use highly technical terms and jargon.

26. Active listening and time for thinking may result in a delayed response.

27. Demanding does not result in cooperation from a child.

28. Establish and maintain a warm climate where each child is recognized by himself and others as a worthy individual. Children recognize rejection when regarded as unworthy or hopeless. Each child has intrinsic worth. Each is unique.

NATIVE AMERICAN CULTURAL DIFFERENCES

	NATIVE AMERICAN	EURO-AMERICAN
TIME	Unscheduled deliberation	Scheduled speed
	Seasons	Dates
	Present/past	Present/future
	Cyclic	Linear
SPACE	Personal	Personal
	Communal	Private
POSSESSIONS	Accumulation	Accumulation
	To survive	To possess
	To share	For status
FAMILY UNIT	Extended	Nuclear
	Inter-generational	Separated by age
ACHIEVEMENT	Through cooperation	Through competition
	Honored by giving	Honored through receiving
RELIGION	Inclusive	Exclusive
	Inter-related	Separatist
	Individualized	Institutionalized
SOCIAL STATUS	Family Name	Economic Status
	Tribal affiliation	Occupation
LEARNING STYLE	Oral	Audio
	Conceptual	To record/recite
	Visual	Visual
	Perceptual	Literate
	Experiential	Scientific
	Learn by experience	Methodical

(1)(2) This information was adapted from: Native American Family Empowerment Cultural Sensitivity Training For Professional Educational and Social Service Providers. This project was funded by a grant from the United States Department of Agriculture through the Cooperative Extension Service and Montana State University.

LEGAL ISSUES GOVERNING AMERICAN INDIAN TRIBES

> *If a man loses anything and goes back and looks carefully for it, he will find it . . . I feel that my country has gotten a bad name, and I want it to have a good one; and I sit sometimes and wonder who has given it a bad name.*
> *—Sitting Bull*

Court Decisions

Constitution Art. 1 Sec. 8 (Commerce Clause)—define the sovereign status of Indian tribes.

Marbury v. Madison—established the right of the Supreme Court to interpret law.

Johnson v. McIntosh 1823—discovery doctrine; the Indians retain the right of occupancy on lands discovered by Europeans/United States. The 'discovery' nation must still negotiate treaties with the Indians for land acquisition.

Cherokee v. Georgia 1831—Tribes are **domestic dependent** nations subject to U.S. Congress but not state law, but as such retain their right of tribal sovereignty. The dominant state must protect the right of the tribe to govern themselves.

Tulle v. Washington 1942—Cannons of Treaty Construction.

When the Supreme Court makes a court ruling regarding Indian treaties the following principles must apply:

1. Ambiguous language in treaties will be decided in Indian's favor.
2. Treaties are to be interpreted as Indians would have understood.
3. Treaties will be liberally construed in favor of the Indians.
4. Treaties keep for Indians all rights that have not been granted away.

Oliphant v. Suquamish Indian Tribe 1978—limits tribal jurisdiction over non-Indians to misdemeanors in criminal cases, unless expressly granted by Congress.

Congressional Law

Northwest Ordinance 1789—Indian lands shall never be taken away without Indian consent unless in justified and lawful wars authorized by Congress.

BIA established 1924—The BIA was created to carry out the trust responsibility of the federal government. However, this agency has become a vehicle to assimilate the Indian people.

Indian Removal Act 1830— Moves eastern Indian tribes west of Mississippi River.

Cheyenne (Tongue Indian River) 1884—Creates the Cheyenne Indian Reservation.

Fort Belknap 1888—Creates the reservation for the Gros Ventre and Assiniboine.

Rocky Boy 1916—Creates the reservation for the Chippewa and Cree people.

Metis—Decedents of The Little Shell Band of Chippewa who are without a land base. The leadership of this group continues its efforts to gain federal recognition as a tribe. (1993)

Major Crimes Act 1885—This act gave the federal government original jurisdiction over 14 major criminal offenses.

General Allotment Act 1887 (Dawes Act)—Reservation land divided into individual allotments. Excess lands not needed to provide Indian allotments was disposed for the purpose of non-Indian settlement.

Congressional Acts and Presidential Orders that reduced the size of reservations 1887 - 1934.

Enabling Act 1888—Western territories granted the right to apply for statehood with a written constitution that recognizes Indian land rights.

Indian Citizenship Act 1924—All Indians not recognized as citizens under the Allotment Act were granted citizenship.

Indian Reorganization Act 1934 (Wheeler-Howard)—The Act provides for Indian self-government, resource conservation and development.

Johnson - O'Malley Act 1936—Granted contracting authority with the states to the Secretary of the Interior for education, health, and social welfare.

Title 18, 1948 **"Indian Country"**—the land within the exterior boundaries of the reservations regardless of ownership status. Also included are Indian communities not within the boundaries of a reservation and all allotments with Indian title.

Public Law 280, 1953—Conveys to certain states the right to maintain law and order on designated Indian reservations.

Termination Laws -1953—Laws that ended the trust relationship with nearly a hundred tribes and poses a threat to all existing tribes.

> ***I have heard talk and talk . . . Good words do not last long unless they amount to something.***
> ***—Chief Joseph***

Indian Civil Rights Act 1968—assuring certain rights against infringement, which are similar to those contained in the Bill of Rights.

Indian Self-Determination/Educational Assistance Act 1975—This act allows the tribe to administer federally funded programs.

Indian Child Welfare Act 1978—Gives superior jurisdiction to tribal courts in matters of adoption or foster care placement in cases involving children of Indian descent.

✹ Montana Treaties

"Reserved Right Doctrine"—while making treaties, tribes keep for themselves all rights not expressly granted to the federal government.

Fort Laramie Treaty 1851—Treaty that designated tribal reserves for all tribes in Montana except the Blackfeet, Salish, and Kootenai.

Hell Gate Treaty 1855—Treaty that designated tribal reserves for Salish and Kootenai tribes.

Blackfeet Treaty 1855—Treaty that designated tribal reserves for Blackfeet tribe.

Crow Treaty 1868—Treaty that designated tribal reserves for Crow Tribe.

Treaty Period end 1871—Further negotiation with tribes by federal

✹ U.S. Constitution

> ***The utmost good faith shall always be observed toward the Indians; their land and property shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded on justice and humanity shall from time to time be made, for preventing wrongs done to them, and for preserving peace and friendship with them.***
>
> ***—United States Congress Northwest Ordinance, 1787***

TRIBES OR BANDS IDENTIFIED AS BENEFICIARY OR WARDS

American Indians have been identified as "wards" of the federal government. This trustee relationship between the federal government and tribes/bands actually stems from the constitution of the United States in which Congress is the trustee. This is a result of the constitutional powers of Congress to ratify treaties and regulate commerce with Indian tribes/bands. Federal executive agencies have been delegated these trust responsibilities primarily under the Interior Department. The term ward and trustee was language used by the court system in 1832 under Chief Justice John Marshal, who formally identified the trustee relationship between the federal government and Indian tribes/bands. It is the responsibility of the federal government (Congress) to uphold the treaty provisions of Indian tribes/bands. Tribal lands are held in trust which means that these lands are free from state taxes. Indian tribes/bands are protected by the Bureau of Indian Affairs and they are entitled to the right of occupancy on lands established as reservations.

Today, the Indian tribes/bands do not consider themselves as "wards," rather they recognize themselves as a beneficiary of the services and protections that are provided to them under the trustee relationship that exists under the treaty rights negotiated between Congress and Indian tribes/bands. Also, trust relationship is recogonized under executive agreements, legislation, and court decisions. In 1934, Congress passed the Indian Reorganization Act. Some tribes adopted this federal policy. This act allowed tribes to establish their own tribal constitutions, to organize their own tribal governments, and to charter corporations. Tribes have the same right to compete for federal funding for government services as states, counties, and local governments. The tribes/bands have taken upon themselves to manage these federal funds in order to provide government services for their people, whether they are enrolled members of a tribe/band or live off the reservation.

Tribes/bands who have corporate charters are able to manage and establish business enterprises. They can also manage their tribal lands and natural resources for economic development. These tribal assets, such as the land, natural resources, and business enterprises on reservations, have indirectly benefited individual enrolled tribal members. They receive tribal dividends or per capita payments as share holders of their respected tribal corporations because they are enrolled members of a federally recognized tribe.

Indians are the only race of people who must legally prove that they are Indian.

✸ OUR ELDERS FROM A NATIVE AMERICAN PERSPECTIVE ✸

In American Indian culture, elders are the people who are recognized as individuals knowledgeable in many aspects of American Indian culture, history, folklore, American Indian language, values, and spirituality. These individuals pass on the knowledge of tribal traditions. Elders, who are our teachers, are to be respected and valued as the caretakers and care providers of our American Indian way of life.

American Indians place no chronological age restriction when defining an elder. Rather, an elder is an individual who is knowledgeable in American Indian customs and traditions. This is realized by experience and through interactions with ones' family and tribal community. Our elders are held in high esteem. They are respected and appreciated for their wisdom and advice.

> ***The White Buffalo Woman then turned to the children, because they have an understanding beyond their years and, among Indians, the right to be treated with respect which is shown to grownups. She told the little children what the grown men and women did was for them. That the children were the greatest possession of the nation, that they represented the coming generations, the life of the people, the circle without end. "Remember this and grow up, and then teach your children," she told them.***
>
> ***—Lame Deer and Erodes, 1967***

✸ AMERICAN INDIAN FOLKLORE ✸

The folklore of tribes throughout North America is used by tribesmen as a means to preserve and maintain their tribal heritage. Storytellers utilize this oral tradition as a method of passing on their culture, history, and geography. These stories further instruct youth in survival skills, prepare youth to be contributing adults, and instill the values and morals of the tribes. In the telling of tribal folklore, it is important that a person understand many tribes have serious taboos against the telling of specific stories during certain seasons. Historically, many of the tribal stories were told in the winter months when there was less tribal activity. It was during this time of less activity that children and adults could have greater concentration and attention focused on the folklore presented to them by the tribal storyteller. Modern tribes still observe the traditional seasonal storytelling taboos.

TREATY OF FORT LARAMIE SUMMARY

September 17, 1851

As emigrants crossed the plains in large numbers, diplomatic as well as military measures were undertaken to preserve peace with the Indians. A treaty established formal relations with the northern plains tribes at Fort Laramie in 1851 and sought to gain security for the overland travelers. The treaty set boundaries for the various tribes, authorized the United States to build roads and military posts, and provided restitution for damages to white travelers. A similar treaty was signed with the southern plains tribes at Fort Atkinson in July 1853.

An inherent stipulation in these treaty negotiations was the trust responsibility of the United States government to provide for the health, education and welfafe of the Indian people.

Treaty of Fort Laramie

April 1868

A treaty with the Sioux and their allies was drawn up by the Indian Peace Commission at Fort Laramie in 1868. It recognized hunting rights of the Indians in the Powder River area, closed the Bozeman Trail and withdrew the military posts built to protect it, and established a Sioux reservation west of the Missouri in what became the state of South Dakota.

United States v. Sioux Nation of Indians

June 30, 1980

In the Treaty of Fort Laramie (1868) the United States guaranteed a large reservation to the Sioux and declared that no further cessions would be valid without the consent of three-fourths of the adult males. But in 1877, the land of the Black Hills was confiscated by the United States. For many years the Sioux sought court action to rectify that action. The Court of Claims finally decided that the 1877 law constituted an illegal taking of the land and that the Indians were due compensation with interest, for a total of more than $100 million. The Supreme Court upheld that decision, thus weakening or discrediting the presumption of congressional good faith asserted in Lone Wolf v. Hitchcock (1903).

* THE FORT LARAMIE TREATY OF 1868 *

Treaty with the Sioux - Brulé, Oglala, Miniconjou, Yanktonai, Hunkpapa, Blackfeet, Cuthead, Two Kettle, sans Arcs, and Santee - and Arapaho, 1868.

* ARTICLE 1.

From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they willfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no one sustaining loss while violating the provision of this treaty or the laws of the United States shall be reimbursed therefore.

* ARTICLE 2.

The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri river where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes of individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongstthem; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employees of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

✸ ARTICLE 3.

If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided, such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

✸ ARTICLE 4.

The United States agrees, at its own proper expense, to construct at some place on the Missouri River, near the center of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse, a storeroom for the use of the agent in storing goods belonging to the Indians, to cost not less than twenty-five hundred dollars; an agency-building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a schoolhouse or mission-building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular-saw mill, with a grist-mill and shingle-machine attached to the same, to cost not exceeding eight thousand dollars.

✸ ARTICLE 5.

The United States agrees that the agent for said Indians shall in the future make his home at the agency-building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs,whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

✸ ARTICLE 6.

If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "land-book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land-Book."

The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fit the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indians, over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or Territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have made improvements thereon of the value of two hundred dollars or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from the United States a patent for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the surveys of the public lands. Upon application in writing, sustained by the proof of two disinterested witnesses, made to the register of the local land-office when the land sought to be entered is within a land district, and when the tract sought to be entered is not in any land district, then upon said application and proof being made to the Commissioner of the General Land-

Office, and the right of such Indian or Indians to enter such tract or tracts of land shall accrue and be perfect from the date of his first improvements thereon, and shall continue as long as he continues his residence and improvements, and no longer. And any Indian or Indians receiving a patent for land under the foregoing provisions, shall thereby and fromthenceforth become and be a citizen of the United States, and be entitled to all the privileges and immunities of such citizens, and shall, at the same time, retain all his rights to benefits accruing to Indians under this treaty.

✸ ARTICLE 7.

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

✸ ARTICLE 8.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

✸ ARTICLE 9.

At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller herein provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

✸ ARTICLE 10.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver atthe agency-house on the reservation herein named, on or before the first day of August of each year, for thirty years, the following articles, to wit:

For each male person over fourteen years of age, a suit of good substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the clothing herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of thirty years, while such persons roam and hunt, and twenty dollars for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years, at any time, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the Indians named herein, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the Army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation.

✸ ARTICLE 11.

In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill River, so long as the buffalomay range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree:

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home, or travelling, nor molest or disturb any wagontrains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. They will never capture, or carry off from the settlements, white women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean, and they will not in future object to the construction of railroads, wagon-roads, mail-stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head-man of the tribe.

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte River, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

✸ ARTICLE 12.

No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians, occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in Article 6 of this treaty.

✸ ARTICLE 13.

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

✸ ARTICLE 14.

It is agreed that the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who in the judgment of the agent may grow the most valuable crops for the respective year.

✸ ARTICLE 15.

The Indians herein named agree that when the agency-house or other buildings shall be constructed on the reservation named, they will regard said reservation their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article 11 hereof.

ARTICLE 16.

The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians first had and obtained, to pass through the same; and it is further agreed by the United States that within ninety days after the conclusion of peace with all the bands of the Sioux Nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

ARTICLE 17.

It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brulé band of the Sioux nation, have hereunto set our hands and seals at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

Treaty of July 16, 1855, 12 Stat. 975

Ratified March 8, 1859. Proclaimed April 18, 1859.

JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE

PRESENTS SHALL COME, GREETINGS:

Articles of agreement and convention made and concluded at the treaty ground at Hell Gate, in the Bitter Root Valley, this sixteenth day of July, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, on behalf of and acting for said confederated tribes, and being duly authorized thereto by them. It being understood and agreed that the said confederated tribes do hereby constitute a nation, under the name of the Flathead Nation, with Victor, the head chief of the Flathead tribe, as the head chief of the said nation, and that the several chiefs, headmen, and delegates, whose names are signed to this treaty, do hereby, in behalf of their respective tribes, recognize Victor as said head chief.

ARTICLE I. The said confederated tribes of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit:

Commencing on the main ridge of the Rocky Mountains at the forty-ninth (49th) parallel of latitude, thence westwardly on that parallel to the divide between the Flat-bow or Kootenay River and Clarke's Fork; thence southerly and southeasterly along said divide to the one hundred and fifteenth degree of longitude, (115) thence in a southwesterly direction to the divide between the sources of the St. Regis Borgia and the Coeur d'Alene Rivers, thence southeasterly and southerly along the main ridge of the Bitter Root Mountains to the divide between the head-waters of the Koos-koos-kee River and of the southwestern fork of the Bitter Root River, thence easterly along the divide separating the waters of the several tributaries of the Bitter Root River from the waters flowing into theSalmon and Snake Rivers to the main ridge of the Rocky Mountains, and thence northerly along said main ridge to the place of beginning.

ARTICLE II. There is, however, reserved from the lands above ceded, for the use and occupation of the said confederated tribes, and as a general Indian reservation upon which may be placed other friendly tribes and bands of Indians of the Territory of Washington who may agree to be consolidated with the tribes parties to this treaty, under the common designation of the Flathead Nation, with Victor, head chief of the Flathead tribe, as the head chief of the nation, the tract of land included within the following boundaries, to wit:

Commencing at the source of the main branch of the Jocko River; thence along the divided separating the waters flowing into the Bitter Root River from those flowing into the Jocko to a point on Clarke's Fork between the Camas and Horse Prairies; thence northerly to, and along the divide bounding on the west the Flathead River, to a point due west from the point half way in latitude between the northern and southern extremities of the Flathead Lake; thence on a due east course to the divide whence the Crow, the Prune, the So-ni-el-em and the Jocko Rivers take their rise, and thence southerly along said divide to the place of beginning.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said confederated tribes as an Indian reservation. Nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the confederated tribes, and the superintendent and agent. And the said confederated tribes agree to remove to and settle upon the same within one year after the ratification of this treaty. In the meantime it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant.

Guaranteeing however the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not including in the reservation above named. And provided, That any substantial improvements heretofore made by any Indian, such as fields enclosed and cultivated and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment made therefor in money, or improvements of an equal value be made for said Indian upon the reservation; and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money or improvements of an equal value shall be furnished him as aforesaid.

ARTICLE III. And provided, That if necessary for the public convenience roads may be run through the said reservation; and, on the other hand, the right of way with freeaccess from the same to the nearest public highway is secured to them, as also the right in common with citizens of the United States to travel upon all public highways.

The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said confederated tribes of Indians, in addition to the goods and provisions distributed to them at the time of signing this treaty the sum of one hundred and twenty thousand dollars in the following manner--that is to say:

For the first year after the ratification hereof, thirty-six thousand dollars, to be expended under the direction of the President, in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, and for such other objects as he may deem necessary. For the next four years, six thousand dollars each year; for the next five years, five thousand dollars each year; for the next five years, four thousand dollars each year; and for the next five years, three thousand dollars each year.

All which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them, and the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

ARTICLE V. The United States further agree to establish at suitable points within said reservation, within one year after the ratification hereof, an agricultural and industrial school, erecting the necessary buildings, keeping the same in repair, and providing it with furniture, books and stationery, to be located at the agency, and to be free to the children of the said tribes, and to employ a suitable instructor or instructors. To furnish one black-smith shop; to which shall be attached a tin and gun shop; one carpenter's shop; one wagon and ploughmaker's shop; and to keep the same in repair, and furnish with the necessary tools. To employ two farmers, one blacksmith, one tinner, one gunsmith, one carpenter, one wagon and one plough maker, for the instruction of the Indians in trades, and to assist them in the same. To erect one sawmill and one flouring-mill, keeping the same in repair and furnished with the necessary tools and fixtures, and to employ two millers. To erect a hospital, keeping the same in repair, and providing with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

And in view of the fact that the head chiefs of the said confederated tribes of Indians are expected and will be called upon to perform many services of a public character, occupying much of their time, the United States further agree to pay to each of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary for such persons as the said confederated tribes may select to be their head chiefs, and to build for them at suitable points on the reservation a comfortable house, and properly furnish the same, and to plough and fence for each of them ten acres of land. The salary to be paid to, and the said houses to be occupied by, such head chiefs so long as they may be elected to that position by their tribes, and no longer.

And all the expenditures and expenses contemplated in this article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said tribes. Nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE VI. The President may from time to time, at his discretion, cause the whole, or said portion of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

ARTICLE VII. The annuities of the aforesaid confederated tribes of Indians shall not be taken to pay the debts of individuals.

ARTICLE VIII. The aforesaid confederated tribes of Indians acknowledge their dependence upon the Government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or is injured or destroyed, compensation may be made by the Govern-ment out of the annuities. Nor will they make war on any other tribe except in self-defense, but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the jurisdiction of the United States, the same rule shall prevail as that prescribed in this article, in case of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE IX. The said confederated tribes desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided that any Indian belonging to said confederated tribes of Indians who is guiltyof bringing liquor into said reservation, or who drinks liquor, may have him or her proportion of the annuities withheld from his or her for such time as the President may determine.

ARTICLE X. The United States further agree to guaranty the exclusive use of the reservation provided for in this treaty, as against any claims which may be urged by the Hudson Bay Company under the provisions of the treaty between the United States and Great Britain on the fifteenth of June, eighteen hundred and forty-six, in consequence of the occupation of a trading post on the Pru-in River by the servants of that company.

ARTICLE XI. It is, moreover, provided that the Bitter Root Valley, above the Loo-lo Fork, shall be carefully surveyed and examined, and if it shall prove, in the judgement of the President, to be better adapted to the wants of the Flathead tribe than the general reservation provided for in this treaty, then such portions of it as may be necessary shall be set apart as a separate reservation for the said tribe. No portion of the Bitter Root Valley, above the Loo-lo fork, shall be opened to the settlement until such examination is had and the decision of the President made known.

ARTICLE XII. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and the undersigned head chiefs, chiefs and principal men of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS, Governor and Superintendent Indian Affairs W.T. (L.S.)

VICTOR, Head Chief of the Flathead Nation, his x mark. (L.S.)

ALEXANDER, Chief of the Upper Pend d'Oreilles, his x mark. (L.S.)

MICHELLE, Chief of the Kootenays, his x mark. (L.S.)

AMBROSE, his x mark. (L.S.)

PAH-SOH, his x mark. (L.S.)

BEAR TRACK, his x mark. (L.S.)

ADOLPHE, his x mark. (L.S.)

THUNDER, his x mark. (L.S.)

BIG CANOE, his x mark. (L.S.)

KOOTEL CHAH, his x mark. (L.S.)

PAUL, his x mark. (L.S.)

ANDREW, his x mark. (L.S.)

MICHELLE, his x mark. (L.S.)

BATTISTE, his x mark. (L.S.)

KOOTENAYS

GUN FLINT, his x mark. (L.S.)

LITTLE MICHELLE, his x mark. (L.S.)

PAUL SEE, his x mark. (L.S.)

MOSES, his x mark. (L.S.)

James Doty, Secretary.

R. H. Lansdale, Indian Agent.

W. H. Tappan, Sub Indian Agent.

Henry R. Crosire.

Gustavus Sohon, Flathead Interpreter.

A. J. Hoecken, Sp. Mis.

William Craig.

And, whereas, the said treaty having been submitted to the Senate of the United States for their constitutional action thereon, the Senate did, on the eighth day of March, eighteen hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

"In Executive Session,

"Senate of the United States, March 8, 1859,

"Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of treaty between the United States and Chiefs, Headmen and Delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreille Indians, who are constituted a nation under the name of the Flathead Nation, signed 16th day of July, 1855.

"Attest: "ASBURY DICKINS, Secretary."

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighth of March, one thousand eight hundred and fifty-nine, accept, ratify and confirm the said treaty.

In testimony where of, I have hereunto caused the seal of the United States to be affixed, and have signed the same with my hand.

Done at the city of Washington, this eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the Independence of the United States, the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, Secretary of State.

MONTANA INDIAN
LAW-RELATED EDUCATION
CURRICULUM GUIDE

OFFICE OF PUBLIC INSTRUCTION
PO BOX 202501
HELENA, MT 59620-2501

Indian
Law-Related Education
Lessons

K-2

ILRE LESSONS

- **Did You Know?**
- **Fair or Unfair: How Can We Tell?**
- **Iktomi and the Buffalo Skull**
- **Quail's Song: A Pueblo Indian Tale**
- **Understanding School Rules**
- **Where Do We Draw the Line?**

DID YOU KNOW?

Introduction

This lesson is designed as an introduction to an Indian LRE unit. It is an interactive lesson that begins to build an awareness of Indian peoples within the state of Montana.

ILRE Themes

Responsibility, Authority, Justice, Environment, Spirituality

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

K-2

Objectives

- To increase understanding of American Indian peoples as indigenous nations of North America;
- To demonstrate knowledge of Montana's Indian tribes through sharing of information;
- To become aware of the unique relationship between Indian tribes and state and federal governments;
- To practice interactive learning.

Time Needed

20-30 minutes

Materials Needed

Fact sheet (Handout 1)

Index cards with facts written on them (or sentence strips)

Procedure

1. Begin with a brief introduction to the topic of Indian Law. Perhaps create a list of what is already known.
2. Distribute index cards, one to each student.
3. Explain that each person is to exchange facts with as many people as possible within the given time frame.
4. After the alloted time has expired, question the group over facts contained on the cards.

Debrief

Discuss the following questions:

What did you learn that you didn't already know?

How did this exercise help you learn new information?

EACH ONE TEACH ONE FACT SHEET (K-2)

A reservation is the homeland or legally-owned land of a nation.

There are seven (7) Indian reservations in Montana.

Scientists have divided American Indian tribes into twelve (12) culture groups.

Before contact with Europeans, there were 200-300 Indian languages being spoken in North America.

There are eleven (11) federally-recognized tribes in Montana.

Indians gather for celebrations called pow wows.

A clan is a group of families that are related.

A tribe is a group of clans.

Besides attending school, Indian children learn from listening to stories told by tribal storytellers.

Elders teach about tribal ways.

Indian tribes have their own governments and laws.

FAIR OR UNFAIR: HOW CAN WE TELL?

Introduction

All people need to learn to judge if a rule or event is fair not just by our feelings, but also by the facts and the fairness to others. Young children especially require guidance in acquiring the skills to make valid judgments of fairness. This lesson uses folklore to demonstrate the issue of judging fairness.

ILRE Themes

Justice

Concepts

Fairness, consequences

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Interdependence

Grade Levels

K - 2

Objectives

- To become acquainted with the concept of justice/fairness;
- To identify possible consequences of unfairness;
- To apply the concept of fairness to a series of typical incidents in a young student's life.

Time Needed

30-40 minutes

Materials Needed

Story booklets: Napi and the Bullberries

Iktomi and the Buffalo Skull (adapted by Minerva Allen)

The Crow

NOTE: These booklets are from the Indian Reading Series: Northwest Regional Educational Laboratory. Portland, OR.

Drawing paper and crayons or markers

Procedure

1. Read aloud Napi and the Bullberries.
2. Have the students discuss, "What was fair in this story? What was unfair in this story? Why? What happened to the character(s) who was wronged?"

3. Have the students discuss what happened (consequences) to the character(s) who was unfair, and what they might have done instead that might have been more fair.

4. Read one of the other stories.

5. Have each student draw a picture of one example from this story which shows fairness or unfairness. Ask for volunteers to share and explain their pictures, or assign students to groups which will role-play one example.

Debrief

Brainstorm examples of unfair incidents (using no names) the students may have seen or experienced. Choose two or three and discuss why they were unfair, what consequences there were, and what actions might have been more fair.

***NOTE:** There are multiple stories of the trickster animals in American Indian folklore. Teachers can adapt from other resources if these stories are not available.*

• IKTOMI AND THE BUFFALO SKULL •

Introduction

Trickster beings appear frequently in the lore of most American Indian tribes, sometimes as a spider, a coyote, or a being without definition. He has awesome powers that, among other things, allow him to change shape, grow new body parts, and come back to life. At the same time, he is both wily and stupid, serious and funny, feared and respected, liked and disliked. The trickster often gets caught up in his own tricks and is left facing the consequences of his own tricks. His reputation of trickery precedes him, causing others to distrust him. Iktomi is the name of one such trickster. In this story, Iktomi is both a trickster and the victim of his own trick. His reputation for not being trustworthy and his hasty action cause problems both for the mice and for himself.

ILRE Themes

Justice, Responsibility

Concepts

Cause and Effect, Consequences, Reputation, Justice, Trust

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Citizenship, Interdependence, Spirituality

Grade Level

1-4 (adaptable for 5-6)

Objectives

- To understand cause and effect relationships to apply to wise decision making;
- To practice predicting natural consequences;
- To accept that the consequences of our decisions can affect other citizensine reputation, how it's developed and its effect.

Time Needed

One or two class periods

Materials Needed

- Story about Iktomi and the buffalo skull
- Butcher paper, m@ }arkers and tape
- Drawing paper and crayons

Procedure

1. Help students explore cause/effect relationships by having them complete sentences such as: "When I touch a hot stove, I ____________." "If I don't brush my teeth every day, I might ____________." "If I throw a rock and break a window, I will ____________." Explain that the answers they gave are the effects or consequences of doing or **not** doing an action. The action itself is the cause. Now reverse the sentences so you say the effect and the students fill in the cause (i.e., "I might get cavities if I ____________.").
2. Instruct the students to try to remember all the things that happen to the characters in the story you're about to tell. Let them know that the characters will be some mice, Iktomi (the trickster) and

a rock. Tell the story about Iktomi and the buffalo skull. (NOTE: You may need to tell the story again sometime during the lesson as a reminder of the incidents and results.)

3. Divide a long piece of butcher paper into three sections. Title the sections "Cause," "Effects," "Character Affected." Ask the students what things happened (the effects) in the story, who each thing happened to (the character affected), and why each thing happened (the cause). As they respond, write the responses in the appropriate place on the chart.

4. Using the chart, ask students which effects were negative (not good or unpleasant). Why did they happen? Who was responsible? How could they have been avoided? Stress that part of being good citizens is thinking about how we might affect other people and things when we make decisions. Did Iktomi deserve his consequences? Why or why not?

5. Write the word "reputation" on the board. Ask the following or similar questions: "If a classmate almost daily borrows a pencil, but almost never returns it, will you continue to lend her pencils? Why or why not? Do you think other students would lend her one if they knew she didn't usually return them? Why or why not? If one of your classmates almost always knows the correct answer to math problems and is good at helping other students with math, would you want that student to help you with a math problem? Why or why not?" Explain that when someone becomes known for doing certain things over and over, they have a reputation. Other people hear about that reputation and usually think about the person's reputation when they think about the person. For example, "Gloria never laughs at people when they make a mistake, so I would feel comfortable working with her on my assignment," or, "Sam is always trying to trip people when we play soccer, so I don't want to play soccer when he's playing."

6. Discuss Iktomi's reputation with the class. Did it have anything to do with what happened in the story? What? What clue do you have Iktomi had a poor reputation? (The mice ran away when they saw who he was.) Do you think his reputation will be better or worse after the things that happened in the story?

7. Distribute drawing paper to the class. Have them each draw a picture showing what they think the mice did after they ran away. Display the drawings and discuss their ideas and why they thought them.

Debrief

Ask the students to think of a time when they made a decision that caused someone else a problem (i.e., went to a friend's house without permission and worried my parents; got mad and kicked a ball and it hit another student). As they share the situations, have them tell why they made the decision and what they think they should do next time. Can they think of any **famous** people who have good reputations? Who? Can they think of any **famous** people who have poor reputations? Who? How do they think Iktomi would get along as a student in their classroom? Why?

Extension Activities

1. In the story, Iktomi refers to the mice as "brothers" and to the rock as "Grandfather." These are terms of respect and reflect the interconnectedness of all people and all life to the "Earth Mother." Brainstorm other terms of respect familiar to the students from their own lives, other stories and books, news, government, military, etc. Discuss why we use these terms of respect, how we might earn them, and what we need to do to keep them.

2. Share other trickster stories. They can be found in many fine collections of Indian lore, and can be used as part of a study of each tribe, or to compare and contrast the stories themselves and their citizenship lessons.

Iktomi and the Buffalo Skill

One night Iktomi was going round when he heard singing and shouting and dancing somewhere close. When he stopped to listen, he suddenly felt a powerful desire to dance, too. So strong was this desire that the bottoms of his feet itched, and he began to search for the source of the sounds. As he was looking and listening, the sounds of dancing and singing seemed to become louder. Finally he decided that the sounds were coming from a dried buffalo skull lying near the path. He discovered that it was brightly lit inside.

Peeking in through an eye socket, Iktomi saw that the mice were holding a great dance. He knocked on a small door and called out, "My little brothers, take pity on me and let me enter. I want to dance, too." "Aw, let's open for big brother!" they said and opened the back door for him. He pushed his head inside, but could go no further. Then someone shouted, "Look out! It's Ikto!" and the mice ran out and soon disappeared into the darkness. Ikto sat down with the skull on his head and began to weep. He sat by the road, and whenever he heard someone going by he wept loudly; and when they went on past, then he wept in a low voice.

He ran to a rock and said, "Grandfather, knock this loose from me." So the rock said, "Very well. Swing your head this way." Ikto swung his head so forcefully toward the rock that he shattered the skull to pieces and bruised his head in the bargain. He was dizzy for days and went around feeling sick, they say.

Note: This is one version of this story. Other similar versions can be found in various collections of Indian lore.

• QUAIL'S SONG: A PUEBLO INDIAN TALE •

Introduction

The focus of this lesson is on the importance of respecting the property of others, a principle common to most peoples and cultures. This is an example of how traditions often become so necessary that they are written as laws.

ILRE Themes

Privacy, Justice

Concepts

Property rights, stealing, consequences

Social Studies Themes

Cultural Heritage, Tradition and Change, Social Contracts, Political/Economic

Grade Level

K - 2

Objectives

- To emphasize the importance of not taking others' property;
- To explore how people feel when their privacy is invaded;
- To introduce the concept that ideas are possessions.

Materials

Book: Quail's Song: A Pueblo Indian Tale (Adapted by Valerie Scho Carey)

Procedure

1. Read the story to the class.
2. Discuss the story with the students, emphasizing the following questions:
    - What happened (consequence) to Coyote for trying to steal Quail's song?
    - Was Quail justified in fooling Coyote for trying to steal her song? Why?
3. Have students brainstorm in groups of three or four:
    - What are some things belonging to others that people sometimes take without permission?
4. Using the list generated by the students, help the class write a rule about taking another's possessions without permission. (Examples: "Always ask and receive permission before taking your neighbor's ____." "Don't take another's __________ without asking.")

5. Ask students to draw a picture of a "don't." Assist the students with writing the rule on the picture.

6. Display and discuss the "don'ts."

Debrief

Provide a chart for students to mark a smiley face each time they hear a student (including themselves) ask permission to use another student's possession. This can continue throughout the school year.

Extension Activity

Read Goldilocks and the Three Bears to the class. Discuss "invading one's privacy." Have some students role-play how Goldilocks should have acted (knocking on the door—coming back later when she found no one was home). Have other students role-play how the bears felt when they came home. An interesting addition might be to have the students and the teacher role-play how she/he would feel if someone was in her/his desk, locker, room, etc.

UNDERSTANDING SCHOOL RULES

Introduction

We all find rules easier to follow when we understand why they're needed, who made them, what might be the consequences for breaking them, and why they work or don't work. Children encounter many such rules when they attend school, and sometimes those rules are in conflict with rules at home. This lesson helps very young students understand the importance of knowing and obeying the rules in their own school.

ILRE Themes

Responsibility, Authority, Justice

Concepts

Rules, consequences, minor, Board of Trustees, truancy, neglect, discipline, punishment, safety, obedience

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

K - 2 (Extension Activities are appropriate for older students, too)

Objectives

- To identify the laws and rules of the school, why they are needed, and possible consequences for breaking them;
- To learn about the school's authorities and their duties;
- To become familiar with several new terms (concepts).

Time Needed

Three 30-minute periods at the beginning of the school year

Materials Needed

Book: Every Kid's Guide to Laws That Relate to School and Work by Joy Berry

Your school's student handbook

CRP(s): Preferably an administrator and a trustee

Procedure

Day One

1. Read aloud pages 3-27 from the book; these will support the rules in the student handbook. You will want to make sure your school rules agree.

2. Place the students in groups, one led by the CRP and one by the teacher, to discuss several rules, why each is to be obeyed and the consequences if it is not.
3. Assign a different rule to each student. Instruct them to each make a drawing of their own rule being obeyed or broken (pictures from the book will stimulate ideas). Put them together in book form so the class has its own rule book.

Day Two

1. Reread page 11 from the book. With a trustee present, have the students discuss what they know about the Board of Trustees and its function. The CRP can clarify points and add new ones.
2. Discuss a few of the rules and laws that trustees, administrators and teachers must follow, why they're needed, and some possible consequences of breaking them.
3. Assign: Each student will interview a family member or other older person to learn differences in school rules when they attended school and today's school.

Day Three

1. Ask each student to share orally what they learned in their interview. (Older students could write a paragraph about their findings.)
2. Have each student (or the class together) write a thank you note to each CRP.

Debrief

Have the students discuss:

Which rule(s) do you think will be easiest to follow?

Which will be hardest?

Do parents have to follow rules and laws too?

Extension Activities

1. Introduce the history of Indian Boarding Schools. A good resource is From Boarding Schools to Self-Determination (see bibliography). Another resource is Where the Spirit Lives, a movie filmed by the Canadian government which chronicles early boarding school times.
2. Hold an open house for parents during which each student explains his/her pictured rule. Conclude the event by having a class representative present the class' rule book to the school library.

Carvings and Graffiti: Vandalism, Art or Tradition?

Introduction

This lesson explores the controversy over whether graffiti on public or private property should be considered a form of art (sometimes with a religious purpose) or a form of vandalism. The U.S. Constitution protects genuine art as free expression, but also protects privacy and property from violation. Through an examination of symbols from several historical periods, various cultures, and their own environment, students will practice determining the differences between graffiti art and vandalism. At the same time, they will practice viewing ideas and events through different perspectives.

ILRE Themes

Authority, Environment, Justice, Responsibility, Spirituality

Concepts

Vandalism, Tradition, Freedom of Expression, Property Rights

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Citizenship, Political/Economic, Technology, Interdependence

Grade Levels

K-2 (Adaptations for 3-5, 6-8 and 9-12 are also available)

Objectives

- To explore uses of symbols in various societies;
- To learn to differentiate between carving and graffiti-type art (free expression and vandalism;
- To recognize that responsibilities of citizenship must often take precedence over personal whims;
- To consider appropriate alternatives to vandalism;
- To experience decision making by groups.

Time Needed

One to two class periods

Materials Needed

- Book: And Still the Turtle Watched by Sheila MacGill-Callahan
- Pictures, slides, posters of hieroglyphs, petroglyphs, other symbols from many cultures (crosses, Star of David, swastika, military symbols, school mascots, cave paintings, tipi decorations, business logos, trademarks, etc.)
- CRP: suggest a tribal historian to discuss tribal symbols, school principal to discuss rules and laws against defacing school property, why the rules are needed and the possible consequences of breaking them
- Butcher paper, markers, drawing paper, crayons, tape
- Four symbol pictures (cut into correct number of puzzle pieces to create four equal groups)

Procedure

Phase 1

1. Show pictures of cave painting, petroglyphs, cultural symbols to class, explaining briefly what historians think they meant to the people who used them. Be sure to make the point that symbols are frequently used as a type of code, means of communication or part of a ritual.

2. Write the word "graffiti" on the board and explain the definition (graffiti is writing or drawing on a surface such as a wall or a rock). Ask the students to give examples of graffiti that they've seen. What kind of carved graffiti have they seen? List these examples on a piece of butcher paper. Write the word "vandalism" on the board and explain the definition (vandalism is destroying or ruining the appearance of public or private property). Ask the students which of their examples of graffiti might be considered vandalism. Circle those. Discuss as a group why they chose those examples as vandalism. Keep the lists for a later activity.

3. Stress that, while vandalism is against the law, and graffiti can be one kind of vandalism, graffiti can also be considered a kind of folk art. Some communities set aside fences or walls for "legal graffiti," and some hire artists to draw, paint or carve murals or symbols on certain properties. Because these artists have permission, the graffiti they put on these surfaces is not illegal. What types of "legal graffiti" have your students seen? Take a tour of your school looking for examples of graffiti and/or vandalism. The janitor is a great resource for this, and might be willing to guide the class to some examples and relate to them how his/her job is harder when there is graffiti to remove or damage to repair.

4. Divide the class into four groups by handing each student a puzzle piece and instructing them to find the other people who can make their symbol complete. *Note:* Be sure to have exactly the right number of pieces to complete all puzzles and include all students. In case of absences, be prepared by having extra puzzles cut into 3, 4 or 5 pieces or you can fill in the missing piece.

5. Give each student a piece of drawing paper. Instruct them to create a symbol or group of symbols that means something and that a stranger could understand. (You might show as examples a "No Smoking" sign or a hand with the finger pointing.) When all students are finished, have each student share his/her symbol and what it means with the other members of the group, but not with the class.

6. Instruct each group to choose one of their symbols to present to the whole class. This symbol now becomes the property of the group, not just the artist. (All pictures will be displayed later.) Allow the artist to make a copy of their pictures while the rest of the students help you hand their picture for display. While the artist of the chosen picture in each group holds the artwork, the other group members should explain its meaning to the class. When all groups have finished sharing their symbol, have them trade theirs with another group.

7. Instruct each group to deface the picture they have now. Hold up the damaged pictures; ask how each person felt about having their group's property damaged; how did the artists feel? Display the copies of the artists' pictures with those of the rest of the class.

8. Explain (or have the principal explain) that the school building and all the desks, chairs, etc., in it belong to a group called taxpayers, and their parents are members of that group. Who's property are we damaging when we write on things belonging to the school? How would that make their parents feel?

Debrief

Ask students to respond to the following questions: Do you need to add to the list of graffiti you made earlier? Do you agree with your earlier choices of vandalism on the list? Is graffiti a problem in this school? Can you think of some way to keep people from defacing school property? Can you think of something that might be "legal graffiti" in the school? What?

Phase 2

1. Review the definitions of "graffiti" and "vandalism."
2. Read aloud the book And Still the Turtle Watches be Sheila MacGill-Callahan. Do not show the pictures this time. Be sure to practice so you can almost tell the story!
3. In the story, humans make several changes to a large rock. As you read the story again, showing and explaining the illustrations, ask the students to imagine that they are members of the Delaware Indian Tribe who originally lived on the land where the rock was found. Remind them that the Delaware believed that the plants, animals and even rocks were just as important as humans and should always be treated with respect.
4. As a class, discuss "Should the old man's carving of the sacred turtle be considered as vandalism or as 'legal graffiti?' Why?"
5. As a class, discuss "Should the boys' spray painting of graffiti on the turtle rock be considered as vandalism or as 'legal graffiti?' Why?"
6. Have the students pair off and, as partners, share with each other what they believe the Delaware Indians should think or feel if they read the story. Ask for one student from each to report their discussion to the class.

Debrief

Have students respond to the following questions: "Do you think the man who found the turtle rock did the right thing when he took it away to be cleaned? Why? Do you think he did the right thing when he put it on display in the public gardens for many people to see? Why? What do you believe the Delaware Indians think about having it on display instead of where it was when the old man carved it? Why?"

Extension Activity

Have the class design a mural using symbols. Then have them choose a delegation to request permission from the principal to either recreate the mural on the sidewalk with chalk or on the snow with spray bottles filled with water and food coloring. You might want to enlist the help of the art teacher, and don't forget to have the students dress in old clothes for the project it it's approved! This becomes "legal graffiti."

3-5

ILRE LESSONS

- **Did You Know?**
- **The Rough-Face Girl/**
  The Legend of Scarface
- **Sharing Responsibility**
- **Where Do We Draw the Line?**

✱ DID YOU KNOW? ✱

Introduction

This lesson is designed as an introduction to an Indian LRE unit. It is an interactive lesson that begins to build an awareness of Indian peoples within the state of Montana.

ILRE Themes

Responsibility, Authority, Justice, Environment, Spirituality

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

3-5

Objectives

- To increase understanding of American Indian peoples as indigenous nations of North America;
- To demonstrate knowledge of Montana's Indian tribes through sharing of information;
- To become aware of the unique relationship between Indian tribes and state and federal governments;
- To practice interactive learning.

Time Needed

20-30 minutes

Materials Needed

Fact sheet (Handout 1)

Index cards with facts written on them (or sentence strips)

Procedure

1. Begin with a brief introduction to the topic of Indian Law. Perhaps create a list of what is already known.
2. Distribute index cards, one to each student.
3. Explain that each person is to exchange facts with as many people as possible within the given time frame.
4. After the alloted time has expired, question the group about facts contained on the cards.

Debrief

Discuss the following questions:

What did you learn that you didn't already know?

How did this exercise help you learn new information?

EACH ONE TEACH ONE FACT SHEET (K-2)

A reservation is the homeland or legally-owned land of a nation.

There are seven (7) Indian reservations in Montana.

Scientists have divided American Indian tribes into twelve (12) culture groups.

Before contact with Europeans, there were 200-300 Indian languages being spoken in North America.

There are eleven (11) federally-recognized tribes in Montana.

Indians gather for celebrations called pow wows.

A clan is a group of families that are related.

A tribe is a group of clans.

Besides attending school, Indian children learn from listening to stories told by tribal storytellers.

Elders teach about tribal ways.

Indian tribes have their own governments and laws.

THE ROUGH-FACE GIRL
THE LEGEND OF SCARFACE

Introduction

This lesson considers the way individuals and society treat persons with disabilities and/or disfigurements, in other words, those who look "different." A literature/folklore-based lesson, it focusses on looking inside the person and the concepts of kindness, honesty and fairness.

ILRE Themes

Responsibility, Justice, Spirituality

Concepts

Fairness, honesty, integrity, discrimination, equal opportunity

Social Studies Themes

Cultural Heritage, Social History, Social Contracts, Interdependence

Grade Levels

3 - 5

Objectives

- To relate the events of traditional stories to the real events of daily life;
- To explore the practical and emotional impact of our treatment of others;
- To become familiar with laws and programs dealing with persons with disabilities;
- To apply critical thinking skills to the concepts of fairness and honesty;
- To practice participation skills through role-play.

Time Needed

Two class periods

Materials Needed

Books: The Rough-Face Girl by Rafe Martin

The Legend of Scarface: A Blackfeet Indian Tale by Robert San Souci

CRPs (suggest a counselor, civil rights attorney, special education teacher)

Procedure

1. Read aloud the two stories.
2. Ask students to compare the ways Scarface and Rough-Face Girl were treated because of their physical features. Be sure to concentrate on the fairness of their treatment and of the final outcome. (*NOTE:* Some students may realize that these are examples of the "Cinderella" story and this is a good place to make that connection.)

3. With a CRP's participation, have the class brainstorm ways people often treat others who are "different." The CRP should relate these responses to the Americans with Disabilities Act and its efforts to make sure every person has equal opportunities. Ask students to compare the ends of the stories to the intent of the above act.
4. With a counselor to guide the discussion, explore possible reasons why people often treat persons with disabilities and/or disfigurements differently.
5. Divide the class into groups of 3-5 students. Instruct each group to create their own story/legend with a theme similar to the above two stories.
6. Have each group present their story either in storytelling form or in a role-play.

Debrief

Discuss the following questions:

How did the stories the groups wrote compare with the original legends?

Are there other cultures that have similar legends? Give examples.

Folklore and legends were used by American Indians and other cultures as teaching tools. What lessons did you learn from these stories?

Extension Activities

1. Present their created stories to other classes.
2. Take a mini-tour of your school facility and note what accommodations have been made for people with disabilities? What is needed? To make this even more effective, have students use a wheelchair, crutches, blindfold, earplugs, etc., during the tour. Present your findings to the school board.

SHARING RESPONSIBILITY

Introduction

In order to make any society work effectively and to preserve our rights, each individual has personal responsibilities as well as shared responsibilities. This literature-based lesson emphasizes those shared responsibilities in which young people might share to make a positive contribution to society.

ILRE Themes

Responsibility, Authority, Environment

Concepts

Sharing, duties, community

Social Studies Themes

Social Contracts, Citizenship, Political/Economic, Interdependence

Grade Levels

3 - 5 (Extension Activities for 6 - 8)

Objectives

- To introduce to students a story of Native American people from their beginning to the present day;
- To foster critical thinking with concepts of responsibility in sharing earth-space with others (community);
- To compare the various roles individuals and elected tribal and non-tribal officials fill in shared responsibilities;
- To familiarize the students with traditional oral narrative.

Time Needed

45-60 minutes

Materials Needed

Book: The People Shall Continue by Simon Ortiz

Butcher paper and markers

Procedure

1. Read the story and invite student discussions/questions. The emphasis of this story is "the shared responsibility" (pg. 5); therefore, the remainder of the lesson will be shared in groups.
2. Divide the class into groups and instruct each group to use their butcher paper and marker to create a web with "Community Responsibility" in the center. Students will add to this some ways in which they can contribute to the community. Examples might include community clean-up or planting trees.

3. Next, show the students a chart or web showing the main hierarchical structure of city or school officials and discuss their responsibilities to the community or school. Each group will now make a mural to depict these positions and duties. Students can be encouraged to use symbols such as an open book to show a library, an apple for a school, etc.

4. The same activity can be utilized to introduce students to Montana Indian tribal government—the responsibility of this government to its people and the Elders' roles in their community. Encourage students to use authentic American Indian symbols.

Debrief

Discuss the following questions:

What do you think would happen if nobody was responsible for cleaning up after themselves? If everybody was?

Why do you think elected officials have so many very specific responsibilities? Would they need them if every individual was completely responsible?

Extended Activities

1. Invite a city or school official, a tribal council member or an Elder to visit the class as a CRP. Have the students write the letter of invitation. The CRP might help the students explore ways they can share responsibility in their community and/or tribe.
2. Have each group compile a "scrapbook" of newspaper and magazine articles about people who make a difference by carrying out their individual and shared responsibilities.
3. Tour City Hall and/or a tribal office and observe the officials at work.
4. Other activities might include setting up classroom councils with defined duties and elections; a school or community project shared by class members; a mural depicting the responsibilities of state or federal government officials.

***NOTE:** A valuable teacher resource is Montana Indians: Their History and Location. (See Companion Pieces.)*

Carvings and Graffiti: Vandalism, Art or Tradition?

Introduction

This lesson explores the controversy over whether graffiti on public or private property should be considered a form of art (sometimes with a religious purpose) or a form of vandalism. The U.S. Constitution protects genuine art as free expression, but also protects privacy and property from violation. Through an examination of symbols from several historical periods, various cultures, and their own environment, students will practice determining the differences between graffiti art and vandalism. At the same time, they will practice viewing ideas and events through different perspectives.

ILRE Themes

Authority, Environment, Justice, Responsibility, Spirituality

Concepts

Vandalism, Tradition, Freedom of Expression, Property Rights

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Citizenship, Political/Economic, Technology, Interdependence

Grade Levels

3-5 (Adaptations for K-2, 6-8 and 9-12 are also available)

Objectives

- To explore uses of symbols in various societies;
- To learn to differentiate between carving and graffiti-type art (free expression and vandalism;
- To recognize that responsibilities of citizenship must often take precedence over personal whims;
- To consider appropriate alternatives to vandalism;
- To experience decision making by groups.

Time Needed

One to two class periods

Materials Needed

- Book: And Still the Turtle Watched by Sheila MacGill-Callahan
- Pictures, slides, posters of hieroglyphs, petroglyphs, other symbols from many cultures (crosses, Star of David, swastika, military symbols, school mascots, cave paintings, tipi decorations, business logos, trademarks, etc.)

- CRT: suggest a tribal historian to discuss tribal symbols, school principal to discuss rules and laws against defacing school property, why the rules are needed and the possible consequences of breaking them

- Butcher paper, markers, drawing paper, crayons, tape

- Four symbol pictures (cut into correct number of puzzle pieces to create four equal groups)

Procedure

Phase 1

1. Show pictures of cave painting, petroglyphs, cultural symbols to class, explaining briefly what historians think they meant to the people who used them. Be sure to make the point that symbols are frequently used as a type of code, means of communication or part of a ritual.

2. Write the word "graffiti" on the board and explain the definition (graffiti is writing or drawing on a surface such as a wall or a rock). Ask the students to give examples of graffiti that they've seen. What kind of carved graffiti have they seen? List these examples on a piece of butcher paper. Write the word "vandalism" on the board and explain the definition (vandalism is destroying or ruining the appearance of public or private property). Ask the students which of their examples of graffiti might be considered vandalism. Circle those. Discuss as a group why they chose those examples as vandalism. Keep the lists for a later activity.

3. Stress that, while vandalism is against the law, and graffiti can be one kind of vandalism, graffiti can also be considered a kind of folk art. Some communities set aside fences or walls for "legal graffiti," and some hire artists to draw, paint or carve murals or symbols on certain properties. Because these artists have permission, the graffiti they put on these surfaces is not illegal. What types of "legal graffiti" have your students seen? Take a tour of your school looking for examples of graffiti and/or vandalism. The janitor is a great resource for this, and might be willing to guide the class to some examples and relate to them how his/her job is harder when there is graffiti to remove or damage to repair.

4. Divide the class into four groups by handing each student a puzzle piece and instructing them to find the other people who can make their symbol complete. *Note:* Be sure to have exactly the right number of pieces to complete all puzzles and include all students. In case of absences, be prepared by having extra puzzles cut into 3, 4 or 5 pieces or you can fill in the missing piece.

5. Give each student a piece of drawing paper. Instruct them to create a symbol or group of symbols that means something and that a stranger could understand. (You might show as examples a "No Smoking" sign or a hand with the finger pointing.) When all students are finished, have each student share his/her symbol and what it means with the other members of the group, but not with the class.

6. Instruct each group to choose one of their symbols to present to the whole class. This symbol now becomes the property of the group, not just the artist. (All pictures will be displayed later.) Allow the artist to make a copy of their pictures while the rest of the students help you hand their picture for display. While the artist of the chosen picture in each group holds the artwork, the other group members should explain its meaning to the class. When all groups have finished sharing their symbol, have them trade theirs with another group.

7. Instruct each group to deface the picture they have now. Hold up the damaged pictures; ask how each person felt about having their group's property damaged; how did the artists feel? Display the copies of the artists' pictures with those of the rest of the class.
8. Explain (or have the principal explain) that the school building and all the desks, chairs, etc., in it belong to a group called taxpayers, and their parents are members of that group. Who's property are we damaging when we write on things belonging to the school? How would that make their parents feel?

Debrief

Ask students to respond to the following questions: Do you need to add to the list of graffiti you made earlier? Do you agree with your earlier choices of vandalism on the list? Is graffiti a problem in this school? Can you think of some way to keep people from defacing school property? Can you think of something that might be "legal graffiti" in the school? What?

Phase 2

1. Review the definitions of "graffiti" and "vandalism."
2. Read aloud the book And Still the Turtle Watches be Sheila MacGill-Callahan. Do not show the pictures this time. Be sure to practice so you can almost tell the story!
3. In the story, humans make several changes to a large rock. As you read the story again, showing and explaining the illustrations, ask the students to imagine that they are members of the Delaware Indian Tribe who originally lived on the land where the rock was found. Remind them that the Delaware believed that the plants, animals and even rocks were just as important as humans and should always be treated with respect.
4. As a class, discuss "Should the old man's carving of the sacred turtle be considered as vandalism or as 'legal graffiti?' Why?"
5. As a class, discuss "Should the boys' spray painting of graffiti on the turtle rock be considered as vandalism or as 'legal graffiti?' Why?"
6. Have the students pair off and, as partners, share with each other what they believe the Delaware Indians should think or feel if they read the story. Ask for one student from each to report their discussion to the class.

Debrief

Have students respond to the following questions: "Do you think the man who found the turtle rock did the right thing when he took it away to be cleaned? Why? Do you think he did the right thing when he put it on display in the public gardens for many people to see? Why? What do you believe the Delaware Indians think about having it on display instead of where it was when the old man carved it? Why?"

Extension Activity

Have the class design a mural using symbols. Then have them choose a delegation to request permission from the principal to either recreate the mural on the sidewalk with chalk or on the snow with spray bottles filled with water and food coloring. You might want to enlist the help of the art teacher, and don't forget to have the students dress in old clothes for the project if it's approved! This becomes "legal graffiti."

6-8

ILRE LESSONS

- Did You Know?
- From Chiefs to Tribal Council
- Prayer on the Reservation
- What is Sovereignty?
- Why Not Sell the Air?
- Why So Many Governments?
- Where Do We Draw the Line?

✱ DID YOU KNOW? ✱

Introduction

This lesson is designed as an introduction to an Indian LRE unit. It is an interactive lesson that begins to build an awareness of Indian peoples within the state of Montana.

ILRE Themes

Responsibility, Authority, Justice, Environment, Spirituality

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

6-8

Objectives

- To increase understanding of American Indian peoples as indigenous nations of North America;
- To demonstrate knowledge of Montana's Indian tribes through sharing of information;
- To become aware of the unique relationship between Indian tribes and state and federal governments;
- To practice interactive learning.

Time Needed

20-30 minutes

Materials Needed

Fact sheet (Handout 1)

Index cards with facts written on them (or sentence strips)

Procedure

1. Begin with a brief introduction to the topic of Indian Law. Perhaps create a list of what is already known.
2. Distribute index cards, one to each student.
3. Explain that each person is to exchange facts with as many people as possible within the given time frame.
4. After the alloted time has expired, question the group about facts contained on the cards.

Debrief

Discuss the following questions:

What did you learn that you didn't already know?

How did this exercise help you learn new information?

EACH ONE TEACH ONE FACT SHEET (6-8)

Scholars have estimated the population of American Indians in 1492 at numbers between 1.5 to 10 million.

The population of native peoples in 1910 was estimated at less than 250,000.

A reservation is the homeland or legally-owned land of a nation.

There are seven (7) Indian reservations in Montana.

Anthropologists have divided American Indian tribes into twelve (12) culture groups.

Indian languages have been divided into 18 dominant language families.

Before contact with Europeans, there were 200-300 Indian languages being spoken in North America.

The U.S. Constitution gave Congress the right to make treaties with Indians.

The Bureau of Indian Affairs is the arm of the federal government that is charged with overseeing Indian affairs.

There are eleven (11) federally-recognized tribes in Montana.

Indians were granted citizenship in 1924.

The federal government forced the state of New Mexico to give Indians voting rights in 1962.

Indians were denied the right to vote as a result of the fourteenth (14th) amendment in 1868.

Over four hundred (400) treaties have been signed between the United States government and Indian tribes.

In Montana, the Little Shell Band of Chippewa-Cree is currently seeking recognition.

When western territories wanted to become states, they gave up any authority over Indian tribes. There was a regulation that required the states' constitutions to recognize Indian land rights.

The relationship between states and reservations is often confusing.

Some federal laws allow states to make contracts with the Secretary of the Interior to provide services on reservations. States can involve themselves with reservations only when the federal government allows them to.

Major crimes committed on Indian reservations are tried in federal court, not in state court.

Most Indian tribes in Montana have court systems to handle civil cases and minor criminal offenses.

An example of tribal and state negotiations is tribal gaming.

Non-Indians owning land and/or living on a reservation do not have a voice in tribal affairs.

Indian people are U.S. citizens, citizens of the state where their reservation is located, and citizens of their tribe.

Indian tribes have the power to tax within the boundaries of the reservation.

If an Indian works someplace other than on their reservation, they must pay state income tax.

The Discovery Doctrine defined the relationship between the U.S. and Indian nations: When a nation comes across land unknown to it in the past, that nation may acquire ownership of the land but not control of the people living on the land.

Introduction

Students will study the early tribal leadership roles and how the tribes moved toward establishing a tribal council system of government. These changing roles of early tribal political leadership were not influenced by non-Indians as were those established later.

ILRE Themes

Authority, Responsibility, Privacy, Justice

Concepts

Sovereignty, treaties, rights, constitutional principles

Social Studies Themes

Cultural Heritage, Social History, Tradition, Change, Social Contracts, Citizenship, Political, Interdependence

Grade Levels

6 - 8

Objectives

- To learn about the different political roles of tribal leadership which include **chief, sub-chiefs, minor chiefs, war chief**, and **grabbers** among the Salish and Pend d'Oreille Tribes;
- To learn about the different roles of tribal leadership that were established by the Indian Reorganization Act of 1934, which provided the political system known as the tribal council.

Time Needed

One or two class periods

Materials Needed

Hellgate Treaty and Tribal Constitutions (Duties and Responsibilities of the Tribal Council)

CRP (suggest tribal council member)

Information about the social organization of the tribe, now and historically, if possible

Background on Chiefs of the People

Tribal Council flow chart

Tribal Council Minutes

Indian Reorganization Act (glossary)

Procedure

1. Read handout on roles of Chiefs-Grabbers. Discuss their different roles.
2. Give background on some past tribal leaders (chiefs).
3. Discuss present-day tribal council, election process, tribal voting districts. A CRP should help clarify this information and add any points missed.
4. Read both the handout on the Tribal Council and the latest meeting minutes. Ask the CRP to help guide the students through the minutes which demonstrate how issues are addressed with the council method. Then have them role play (with the CRP's help) using the same issues, but with the chief's system.
5. With input from the CRP, have the students brainstorm the similarities and differences between chiefs and tribal council systems. List their responses on the board.

Debrief

"Take a Stand" on the statement: The present-day tribal council system works better than the earlier chiefs system. (See "Where Do We Draw the Line" lesson for the "Take a Stand" procedure.) Be sure students give reasons for their stands.

Extension Activities

1. Hold mock elections for tribal council or have students form the older tribal leadership roles. Present problems for them to work through using either form of government.
2. Attend a Tribal Council meeting if possible.
3. Do a library research paper on Great Chiefs.

Pre-White Culture—Social Organization Handout

Before the coming of white people to Montana, the Salish tribal groups had developed their own ideals of proper behavior for members of the group. Each person had duties to the community in return for the social and economic benefits received from the tribe. They knew what kind of behavior the tribe wanted and expected social disapproval and punishment if they didn't meet that tribe's expectations. The social controls used were shaming, gossip, and low esteem. Formal controls included public lectures by the tribal leaders and physical punishment in extreme cases.

In the old culture, the successful hunter, hardworking wife, and brave warrior were praised and held in honor by their neighbors. The cowardly warrior, the careless parent, or lazy wife would be made fun of and an object of gossip. As a child, the Salish were taught that each person needed the group for safety and economic success. As a result of this training, the threat of lost honor, gossip, and sarcasm was a very successful way to make people conform to group goals. Most people worked for the approval of the group and valued the company it offered.

In those cases where the informal controls were not enough, the person faced formal correction from the tribal police and the chief. Chiefs usually used their power as possible, and only with the support of tribal elders unless the welfare of the tribe was in danger. For example, buffalo hunting trips to the Great Plains were always under threat of Blackfeet attack, and so were set up almost as military trips. On the plains, where a mistake could threaten the lives of the whole hunting party, rule breaking was punished quickly and firmly.

Tribal Government

Chief and Sub-chief among the Salish

The position of head chief of all the Salish was considered hereditary except under unusual conditions. The chief was honored and possessed real duties which usually passed to his oldest living son. The chief's office did sometimes pass to other families. The council could choose to pass over the oldest son and select a younger son of the previous chief. Should the chief die without sons—daughters could not be chiefs—it would be necessary to call a council and elect a new chief. The person chosen would usually be the senior "sub-chief" of the tribe.

The sub-chiefs formed a sort of military general staff, advising the chief and carrying out his orders. The war chief was the companion and advisor of the high chief. The most honored warrior with the greatest number of notches on his coup stick was the war chief. He accepted orders from the head chief and was obeyed by the warriors not only because they respected his accomplishments but also from fear.

The minor chiefs up to the war chief were considered more like "crew bosses." Their offices were not permanent and were not given any sacred character. They could not commit the tribe to war to make peace with the enemy. Since these men did not interfere in the duties of the head chief, the head chief, in return, did not seek to run the affairs within the bands. The head chief was not a band chief. The petty affairs of his band were usually handled by a sub-chief.

Formal Control among the Salish

For the Salish, the main public crimes seem to have been wife stealing, murder, theft, and slander. It was the Salish chief's duty to stop these antisocial acts. To aid him, he appointed a group of able fighting men called the "grabbers" to assist him in the internal police. They might warn wrong-doers, but never punish them on their own. They reported all crimes to the chief, whether great or little, who reserved punishment for himself. These men were not organized into police societies, but held their office only by the chief's appointment.

Should a complaint be made to a chief, the guilty was summoned immediately. The chief usually decided the matter then and there. In a difficult case, he might call a council of sub-chiefs, but was not forced to follow their advice. Since the authority of the chief was based on the respect of the community, no chief would go against the wishes of the community and council without serious reason.

Whippings and scoldings were the only methods used to punish crimes. Chiefs did their own whipping and never gave the task to someone else. One hundred lashes was usually the heaviest penalty given. The Salish did not send offenders away from the tribe or have them killed, but the whipping usually left the guilty person horribly bruised and often unconscious. The wrongdoer was supposed to submit willingly to the judgment. He was supposed to lie down and expose his back without anyone telling him to do so. After the whipping, the person remained on the robe while the chief lectured him on his evil deed. Then the evildoer was supposed to rise and shake hands with everyone in the circle as a token of his good will toward all.

Should someone's behavior become so annoying that he deserved severe warning and punishment short of the whip, he was told to appear before the council. The offender knelt on a rod about the thickness of a finger which was placed on the ground immediately before the chief and within the ring of elders. There was silence as long as the chief wished which was long enough to allow the culprit to feel the discomfort of the chief's disapproval in his heart and the rod under his knees. Then the chief began to speak, the offender had to kneel on the rod until the chief concluded his speech, which could be several hours. Just the threat of this punishment was enough to prevent most offenses.

The Council

The Salish councils were advisory bodies to the head chief or the minor chief to whom they were attached. Their membership was confined to the minor leaders of the area. A council was called a "talking" and the place where its sessions were held was called "the talking place." If all members of the band were silent, the speaker could be assured that his speech met with disapproval. The council might ask someone to advise them on a certain point, and allow him to address them. In the old days, honored warriors were sometimes admitted to the council to join in the smoking as a sign of thanks, but their position was not permanent.

The Family

The Salish had a clear line between the small family and the great family. A small family were the people who lived in the same lodge and used the same fire. The people who lived in the same lodge were closely related except for any guests who might be present. In the old days, it was good to have as many in the lodge as it could comfortably hold, since there was safety in numbers. This included grandparents, father, mother, and unmarried children. Married sons and their wives and often daughters with their husbands were urged to remain under cover of the parental lodge as long as they would.

Marriage Among the Salish

When the time had come, the young Salish man looked about for a bride. A girl was ideally married about four years after her puberty, as a period of about this length was required for her to learn her future household duties. It was thought disgraceful for a woman to wait until 20 before marrying. The customs were less specific for the man, but he usually wanted to marry as soon as he could. This was as soon as he might show the girl's parents that he was a good provider. This rarely happened before the youth's twentieth year. A young fellow who had counted coup, no matter what his age, could almost certainly marry any girl in camp. The Salish claim there was no difference between the honor given a man who had counted coup and a good hunter. Both were signs of an inner ability and skill. A type of child marriage or betrothal was common. Sometimes the promise of marriage was announced by allowing the little boy and girl to dance together during the marriage dance. Such marriages were not completed any earlier than those mentioned above, but nevertheless, they were thought of as binding contracts which even death could not dissolve. Should such a spouse die before the marriage was completed, his or her family must furnish another son or daughter to dance with the widowed child at the next marriage dance. The matter of marriage was entirely in the hands of the parents. It was true that the marriage should be approved by the entire family group, but only the parents had the power to refuse a marriage offer. Other important people, especially uncles, could only show their disapproval by not making the usual wedding gifts and shunning the newlyweds.

Open courtship was not allowed by the Salish. The boy was not supposed to approach the girl directly—though he did—and the girl had no choice in the matter at all. If a young man looked on a girl with favor, he had his parents approach those of the girl. The man's family customarily took the first step. Under very unusual conditions a girl's mother or other relative in authority might make the first move by offering the girl to the boy's parents.

It was usually the boy's mother that was the messenger. Old people have told of cases when the boy's father, uncle, or some other elderly male relative made the request. It is clear that the preferred pattern was for the boy's mother to begin the talk with the girl's mother. Normally, the girl's mother then called a family council of her immediate relatives for a thorough discussion of the merits of the young man and his family. This council worked for total agreement. It is hinted in the above that even the boy did not have complete choice in this matter. The reason for this is not hard to see. He was not the only one entering into a new relationship. When two Salish families were joined by marriage of their children, the parents also entered into a relationship requiring mutual friendship and aid when needed. In spite of this, there was no feeling that families should exchange marriageable children. It often happened that once two families had children who married, another marriage took place. This was due to the families getting to know each other, and was not a regular part of the marriage custom.

Among the Salish there were frequent problems resulting from parental control in marriage. In the closeness of the camp, young men and women would find themselves attracted and would want to marry. If the parents did not agree, most lovers separated and gave up hope. Yet, some of the heartier couples braved parental anger and eloped. Elopement of this kind was certain to bring someone after the couple. When the girl's relatives found the young couple, the couple was given a thorough scolding, brought back to camp, and handed over to the chief. The girl's parents would usually then consent to the marriage and even insist upon it with the chief's approval. Even if there was anger and name calling, elopements usually had happy endings. Some informants say that marriages by elopement were generally more successful than those by parental choice.

The Salish strongly deny the use of a bride price, or dowry. Not only do they take great pride in the fact that their daughters were not for sale, but also that they were pretty enough and good enough workers for the young men to want them without a dowry. There was a system of gift exchange related to marriage. This outward show of faith and good will has some role in binding the marriage agreement. If the bridegroom was proud of his wife-to-be, he would make her as fine an engagement gift as he could. A fine riding horse was the most valued object the Salish youth could give. An unmarried girl or bride was proud to have it said of her that she has a horse tied outside her door. Later in life, her husband might tie a horse outside her door as a hint that he intended to divorce her.

Marriage Rites of the Salish

There were three forms of marriage rites practiced by the Salish. They are listed from the least to the most formal: (1) wedding by public understanding of living together; (2) wedding by parental choice or urging; and (3) wedding by the marriage song and dance.

As the first form has been described, we will go on to the second—wedding by parental choice or urging. The day after the girl's family shows their agreement to the marriage, the groom's family brought their son a new set of clothing, and valuable presents to the bride's lodge and left. The bride's father then sat his new son-in-law beside the bride and began to talk about the economic, physical, and moral sides of marriage. At the end of the talk, the father pronounced them married. The newlyweds lived with the bride's parents until the entire camp moved. On that morning, the husband prepared his wife's personal articles, mounted her on the fine gift horse, paraded her through camp, and rode with her to the next camp site. At this time, the bride wore the wedding dress given her by her parents-in-law. As soon as the new camp was set up, the bridegroom rode with his new wife to his parent's lodge where she was welcomed into her new family. His father repeated the talk on marriage duties and the wedding was considered complete.

The main parts of the third marriage form—wedding by the marriage song and dance—were the dance, the magic song sung before the dance, the lecture by the chief, and the ride of the gift horse. This ceremony could be at a regularly scheduled dance, or one set up for the occasion. Everyone who wished, joined to dance in a circle around the brides and bridegrooms, while the chief sang the marriage song. Other songs were sung at this time, some magical, some humorous. The humorous songs were apt to be quite broad in their content, but were not to be resented. The pair of pairs must stand silently through this with their eyes fixed on the ground. At the right time, the chief would stop the singing and dancing and publicly announce that so and so were now married. He then followed this with a lecture on proper marriage conduct. After the dance, gifts were exchanged.

Ending a Marriage

In the old days, either party could end a marriage. Should the wife's family hear that their daughter was being abused by her husband, they were free to take her away from him. The people were not very understanding of wives who leave their husband. The wife could not expect to return to her old family circle unless her complaints were serious. Her family might even return her to her husband. The only act which might be looked upon as a divorce rite was for the husband to tie a horse at the wife's door. The woman was given this means to move out, and she considered it a gentle hint to move away. Children who were part of the mother's family, went with her. There were some rare cases when the father was so fond of the children that he made a show of force to keep them.

Recreation and Social Life

Daily Life

The Salish rose before daybreak. Immediately upon rising, everyone went to a nearby stream or lake and plunged in. Holes were kept in the ice in the winter for this purpose. No one put on moccasins on the way to the bath. Walking through the snow was thought good for you. The more hearty even went naked. This icy bath is highly praised by elderly people today, who say it made them used to accepting the cold and pain and to take pride in their heartiness when compared to men 60 years younger. They claim not to have known rheumatism and respiratory infections.

Hospitality and Good Manners

Salish family life was very informal. Husbands, wives, and children spoke their minds. Any visitor was offered food whenever he entered another's lodge. Such food must be accepted and eaten, whether the visitor was hungry or not. Even though a male caller should come during the husband's absence, the wife must say, "Sit down while I find some food for you." The husband would be embarrassed if this offer was not made and he found out. To refuse to offer or accept food was a real insult.

Manners were so important that one of the first things asked about a stranger would be, "What kind of manners has he?" In speaking to a man—no matter what his age—the Salish used a term meaning elder kinsman, usually "my elder brother." Women wishing to speak with respect of someone used a phrase meaning, "I stand back of him." A person was supposed to await his turn in speaking whether in addressing a council or in private talks. Also, it was unforgivable to pass someone you know without speaking to them.

Informal Social Control

In a Salish band, formal social control seems to have been used as little as possible. The chief depended on the general rules of action and ridicule to keep order. To fight or even to carry deep grudges against a fellow tribesman was thought extremely harmful to the group. To fight within the tribe brought great shame to the people involved, and biting insults from their neighbors.

Personal grudges and revenge played a big part in informal social control. An individual and his relatives were free to use the law of vengeance for such grave offenses as wife stealing and murder. In each of these, however, the chief preferred to deal out public punishment, but his office was never strong enough to take personal vengeance out of the list of socially accepted practices. In the case of murder, vengeance had to be taken immediately.

Leadership Sketches

The choices facing the tribes during these years required strong and courageous leaders and the Salish of the early nineteenth century were fortunate in finding such elders in Three Eagles and Grizzly Bear Looking Up.

Three Eagles

Only scattered information is available about the life of Three Eagles, as he seems to have died between 1812 and 1825. The sources indicate that Three Eagles was chief during the 1805 meeting between the Salish and the Lewis and Clark Expedition in Ross' Hole. This visit established the pattern of friendship between the whites and the Salish. Three Eagles fostered this friendship in his dealings with the British Trader, David Thompson, and even required Thompson's advice on strategy against the Blackfeet. Three Eagles was killed as a result of Blackfeet treachery during a brief truce in the war between the tribes.

Grizzly Bear Looking Up—Warrior/Statesman

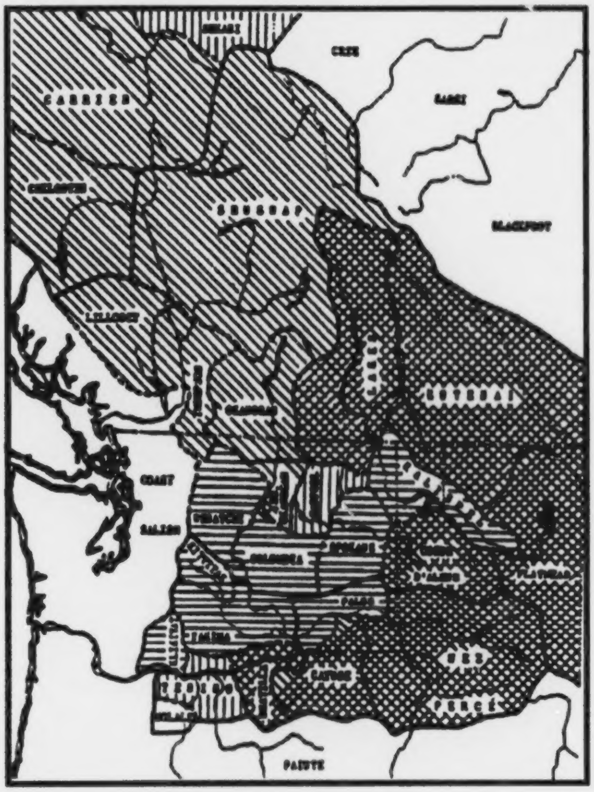
Grizzly Bear Looking Up survived the 1780 smallpox epidemic as a youth and then went on to be recognized as senior Salish leader after the Blackfeet killed his brother, Three Eagles, between 1812 and 1825. He was probably with the Salish when they met Lewis and Clark in Ross' Hole in 1805. Over the years, Grizzly Bear Looking Up became well known to the White traders and missionaries for his miliary skill, deep religious beliefs and wisdom as a leader.

Grizzly Bear Looking Up's miliary skill impressed many experienced traders who liked traveling with the Salish for protection against Blackfeet raiders. For example, in 1832, John Work recorded the events of a battle between the Blackfeet and a Salish trapper party in which Grizzly Bear Looking Up fought so aggressively that at the age of 79 he had two horses shot out from under him.

The religious dedication shown by Grizzly Bear Looking Up made a special impression on Father Nicholas Point. As chief, Grizzly Bear Looking Up made a daily circuit around the camp advising people to observe their duties and responsibilities to the tribe and family. When the missionaries arrived, Grizzly Bear Looking Up actively sought the spiritual powers they offered.

As part of the Salish efforts to develop an alliance with the white traders and to ensure the availability of guns and ammunition, Grizzly Bear Looking Up became personal friends with such traders as David Thompson, John Work, and Warren Ferris. He went with Thompson and Ferris on trips and was a frequent house guest of Work at Flathead Post.

The sources tell little about Grizzly Bear Looking Up's role in the Salish leadership, but suggest he played an active role in developing Salish policies of the period. We know: (1) he personally worked to secure the Salish alliance with the white traders against the Blackfeet; (2) he supposed the missionaries to secure the spiritual aid of the white man's God; and (3) he maintained friendships with both British and American traders, demonstrating his desire to keep the Salish neutral in the British-American rivalry over the Columbia River Basin. These leadership choices combined with Grizzly Bear Looking Up's personal bravery and moral leadership helped the Salish survive the crises of the early 1800s. He died in 1841 and was succeeded by his nephew, Victor, the son of Three Eagles.



Types of Political Organization. Vertical hatching: strict local autonomy; diagonal hatching: small bands of villages; horizontal hatching: local autonomy with slight tribal tendency; cross hatching: tribal organization.

From Vern F. Ray, Cultural Relations in the Plateau of Northwestern America (The Southwest Museum, Los Angeles, CA, 1939) page 11.

BEST COPY AVAILABLE

PRAYER ON THE RESERVATION

Indian issues are emotionally charged and logic is
often clouded by the heat of the moment.
—American Indian Digest:
Facts About Today's American Indians,
1995 ed. Thunderbird Enterprises, Phoenix, AZ

Introduction

All Americans are guaranteed freedom of speech and religion by the First Amendment to the U.S. Constitution. The U.S. Supreme Court has found school prayer to be unconstitutional. However, Congress passed the "American Indian Freedom of Religion Act" (A.I.F.R.A.) which recognizes the Indians' right to exercise their traditional religions. This lesson focuses on the above act, while it provides practice in decision-making and explores the hearing process.

ILRE Themes

Responsibility, Authority, Justice, Privacy, Spirituality

Concepts

Hearing process, freedom of expression and religion, tradition, policy, rights and responsibilities

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Space, Place, Movement

Grade Level

6 - 8 (Also available, adaptations for 9 -12)

Objectives

- To demonstrate a knowledge of the American Indian Freedom of Religion Act;
- To understand rights guaranteed under the First Amendment;
- To demonstrate the ability to rationally discuss points of view other than one's own;
- To practice the hearing process;
- To "Take a Stand" and support it.

Time Needed

One to two class periods, depending on students' prior knowledge about the First Amendment and the American Indian Freedom of Religion Act

Materials Needed

- Handout "Prayer on the Reservation" (Each copy should have a number from 1 to 7 corresponding to the roles listed in the activity below.)
- CRP (school trustee, tribal official, attorney)

Procedure

1. Briefly review the U.S. Supreme Court decisions that have found school prayer unconstitutional and the pertinent portions of the A.I.F.R.A.
2. Form groups of seven by using the numbers on the handouts and make groupings of numbers 1 through 7.
3. Explain that the groups will role-play a mini-school board meeting and each student assumes the role assigned to the number on his/her handout.
4. Instruct the students to read the handout and to think briefly about the stand they will take. The board chair-person will ask each group/person to state their position and briefly explain why they feel this way. The board chairperson takes no stand on the issue, but acts as the facilitator allowing each participant an opportunity to speak (approximately two minutes per person). After hearing all arguments, the facilitator will reach a decision as to whether Thomas Bear Cloud can give a benediction at this graduation and what the school's policy on this issue will be. The group will then have a brief opportunity to react to the facilitator's decision. Each facilitator will then be asked to "Take a Stand" to demonstrate his/her group's decision and to state the reasons.

Debrief

Have the students discuss, "How is this case like the school prayer cases? How is it different? Should Thomas Bear Cloud be allowed to say the prayer?"

PRAYER ON THE RESERVATION HANDOUT

Wyola, Montana, is a community of approximately 300 people and is located on the Crow Reservation. The K-8 public elementary school has 65 students. Forty-five of these students are Crow, three are non-member Indians, and 17 are non-Indians. Thomas Bear Cloud, a spiritual leader of the Sundance, has been asked to say a prayer at the eighth-grade graduation. The graduation ceremony will be held on Sunday in the school gym.

According to the American Indian Freedom of Religion Act, Congress recognized its obligation to "protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise (their) traditional religions."

Using the information you've learned about the First Amendment and the American Indian Freedom of Religion Act, decide how your character would answer the question, "Should Thomas Bear Cloud be allowed to say the prayer?" and plan the arguments you will use to convince the board chairperson to agree with you. You will have two minutes to present your argument.

ROLES:

#1 School administrator

#2 Crow parent

#3 Non-member parent

#4 Non-Indian parent

#5 Tribal Council representative

#6 Non-Indian religious leader

#7 Board chairperson

QUESTIONS TO CONSIDER

1. What arguments can the school make?
2. What arguments can the Crow parents make?
3. What arguments can the non-member Indian parents make?
4. What arguments can the non-Indian parents make?
5. What arguments can the Tribal Council make?
6. What arguments can non-Indian religious leaders make?

FIRST AMENDMENT HANDOUT

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press, or of the right of the people peaceably to assemble, and to petition the Government for redress of grievances.

The *establishment clause* forbids both state and federal governments from setting up churches and from passing laws aiding one or all religions, or favoring one religion over another. In addition, it forbids the government from passing laws barring or requiring citizen attendance at church or belief in any religious idea.

The *free exercise clause* protects the right of individuals to worship as they choose. However, when an individual's right to free exercise of religion conflicts with other important interests, the First Amendment claim does not always win.

"Taken together, the establishment and free exercise clauses prohibit the government from either endorsing religion or punishing religious belief or practice. Some people believe that the two clauses require the government to be neutral toward religion. Others believe that the First Amendment requires the government to accommodate religious belief and practice as long as it does not establish a state religion."

(National Institute for Citizenship Education. Street Law, Fifth Edition. West Publishing, 1994)

Lee v. Weisman, No. 90-1014

The issue whether including a clergyman who offers invocation and benediction prayers in formal graduation ceremonies violates the religious freedom clauses of the First Amendment.

Decided June 24, 1992: In a 5-4 decision, the Supreme Court ruled that the inclusion of a nonsectarian prayer offered by members of the clergy at public secondary school graduation ceremonies violates the Establishment Clause of the First Amendment.

American Indian Religious Freedom Act

§1996. Protection and preservation of traditional religions of Native Americans

Henceforth, it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including, but not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites. (Aug. 11,1978, P.L. 95-341, § 1, 92 Stat. 469.)

✸ WHAT IS SOVEREIGNTY? ✸

> ***Tribal sovereignty is a paradox because the United States government, while recognizing the tribes as sovereign nations, has perpetuated a relationship of tribal dependence on the government.***
>
> ***—American Indian Digest:***
> ***Facts About Today's American Indians,***
> ***1995 ed. Thunderbird Enterprises, Phoenix, AZ***

Introduction

One of the most misunderstood aspects of the Indian and non-Indian relationship is the sovereign status of tribal governments. Webster's defines **sovereign** as, "being independent of all other." Politically, a sovereign nation is one which is independent of control by other nations. How, then, is an Indian tribe sovereign? Aren't Indian people residents of the United States? Aren't tribal lands part of the United States? These questions will be answered in the lesson that follows.

ILRE Themes

Authority, Responsibility, Privacy, Justice

Concepts

Sovereignty, rights, constitutional principles

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Space/ Place/Movement, Global Perspective, Interdependence

Objectives

- To define **sovereignty** as it applies to Indian tribes;
- To define the **discovery doctrine**;
- To explain the principles of the **reserved rights doctrine**.

Grade Level

6 - 8

Materials Needed

Sovereignty Handout

Hellgate Treaty

Large paper to list retained tribal rights and rights given to the government

CRP (suggest a tribal or constitutional law attorney)

Procedure

1. Introduce the lesson with a discussion of current issues concerning Indian sovereignty. Have students read the lesson.
2. Divide students into groups of two or three and assign question #1 found at the end of Handout 1.
3. Groups then present findings to the class. On the large paper, make a list of rights given to government and rights retained by the tribe. The CRP would be valuable here and during the discussion of other questions to clarify facts, guide the students' critical thinking, and provide legal expertise.
4. Assign additional questions for research.

Debrief

Discuss the following questions:

Does the discovery doctrine seem fair today? Explain.

Suppose beings from a nation on another planet landed in the United States, claimed they hadn't known the land existed, and used the discovery doctrine to acquire ownership of the land. Would that seem fair? Why or why not?

SOVEREIGNTY HANDOUT

Has your family ever sold your house or car? What happened as a result of that sale? Your family moved out of the house or left the car with the new owners. Because the house was sold, did your family structure change? Did the new owners begin to make the rules for your family? Were your parents still in charge of the well-being of your family? Of course, your parents still acted as parents. In the new house or new car they still made the rules and managed the family. Your family was still intact and acted like a family. The sale of property did not include the sale of your family's right to act as a family, they were still sovereign or independent of other families and the new owners of the property.

When European nations first came to the shores of North and South America they encountered a variety of native people. Some tribes were organized into large nations and others were small independent tribes. Regardless of the size of each tribe, it was recognized by the Europeans that each had independent governments. Therefore, when Europeans wanted the land these people lived on, they developed the process of writing treaties with the independent people to acquire the land they wished to occupy. Even when war and violence were used to persuade the Indians to give up their land, a treaty was ultimately written which granted the Europeans the right to the land they desired, thereby transferring ownership of Indian lands to the conquering nation. This arrangement recognized the independent government of each Indian group. Because the Indian people were giving away or selling their land, they were not giving up the right to control their own government. In other words, the Indian people were losing land, not their sovereign status as a nation and were still independent nations or tribes.

The idea that conquering nations were acquiring land, not control of the Indian people on the land, is called the **discovery doctrine.** According to the discovery doctrine, when a nation discovers land unknown to it in the past, that nation may acquire ownership of the land but not control of the people living on the land. In most cases in the United States, the Indian people gave up or sold the right to only a portion of their land in the treaties they made with the United States. The tribes retained some of their land to live, work and hunt on, therefore keeping their sovereignty as a nation, as well as some of their land. Reservations today are the land Indian people continued to own or lands that the United States government agreed to exchange for traditional Indian homeland as a result of treaties.

In the United States, a court decision recognized the principles of the **discovery doctrine.** In 1823, in the case Johnson v. McIntosh, the Supreme Court ruled that the United States must negotiate treaties with the Indians to acquire their lands. In these treaties, the tribes kept all rights they did not grant the United States government.

When tribes agreed to give or sell part or all of their land, they continued to keep other rights as free people. They were only transferring land ownership and keeping or reserving other rights for themselves. Each treaty was different, but each granted specific rights to the federal government and kept all other rights for the tribe. This idea is referred to as the **reserved rights doctrine.**

Problem Solving

1. Form groups of two or three students. Each group will read an Article (or more) of the Flathead Treaty (include Articles 1 - 11 only). After reading the Article, each group should list rights the Flathead people reserved for themselves and rights they gave to the federal government. Each group will present their list to the whole class. As groups present, write their findings on large sheets of paper. One paper will list reserved rights and the second paper will list granted or lost rights. Discuss as a class why some rights were reserved by the tribe and others were granted to the federal government.

2. Are families totally sovereign in the United States today? Make a list of family rights that the government has gained.

3. Research how family rights have changed since colonial times in the United States.

WHY NOT SELL THE AIR?

> ***It seems poetic justice that some reservations have become valuable land due to mineral resources, pristine resources, and urban locations.***
>
> ***—American Indian Digest:***
> ***Facts About Today's American Indians,***
> ***1995 ed. Thunderbird Enterprises, Phoenix, AZ***

Introduction

Reservations (reserved land) are the historical land base of American Indian people, or land Indian people exchanged through treaties for their original land base. Many treaties included provisions which banned non-Indians from living on the reservations unless permission from the federal government had been obtained to reside on the Indian land. Today, Indian and non-Indian people reside on reservations. In some cases, there are actually more non-Indian residents than Indians living on some reservations. This lesson will explore how so many non-Indians came to reside on reservations.

ILRE Themes

Authority, Responsibility, Justice

ILRE Concepts

Jurisdiction, sovereignty, public hearings, reservation, allotment

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Global Perspective, Interdependence

Grade Levels

6 - 8

Objectives

- To understand the reasons for the General Allotment Act;
- To examine the American Indians' viewpoint on the General Allotment Act;
- To participate in a public hearing activity.

Time Needed

Two class periods

Materials Needed

Handouts 1 and 2

Room arrangement similar to a hearing

CRPs (see Hearing Procedure, Step 2)

Procedure

1. Introduce the lesson with a discussion on how laws are made. Explain the purpose of the public hearing in formulation of law. Provide students with recent examples of public hearings.
2. Read the lesson (Handout 1).
3. Follow the procedure for the Congressional hearing.

Debrief

Discuss the following questions:

Which group(s) had the best arguments and why?

Would you have enough information to make a good decision? If not, what other information would you need to make a good decision as a legislator?

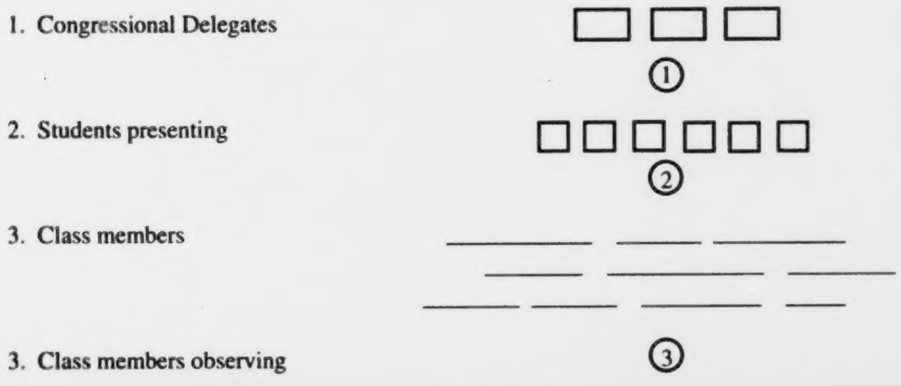
As a legislator, would you be concerned about conflict between Indians and non-Indians living on reservations?

Hearing Procedure

1. Divide the class into six groups with each group assigned a specific role to play in a Congressional hearing on the General Allotment Act. Give to each group only the role they will play and allow them time to prepare a five-minute testimony to be given at the Congressional hearing. Decide ahead of time if you will require each group member to participate in the hearing or if groups may select a spokesperson. If all members of the group must participate in the hearing, increase the presentation time to seven minutes or more.
2. Invite to your class three CRPs—legal professionals, legislators, tribal leaders, or local government officials—to participate in the activity as members of the Congressional committee. After each group presents, allow the committee members to ask a few questions of the presenters. When the hearing is completed, ask the committee members to join in discussing the debrief questions.

NOTE: If you cannot finish the entire hearing when the CRPs are present, ask students who presented for the CRPs to act as the Congressional delegates the next day. They will easily imitate the probing questions of the adults after seeing the process work.

Arrange the classroom desks or tables to resemble a hearing room, similar to the diagram below:



HANDOUT #1
Why Not Sell the Air?

By 1880, most reservations had been established, but the federal government was not satisfied with the impact of reservation life on American Indians. The Indian people were living in severe poverty conditions. Furthermore, the Indians were attempting to continue to live in a traditional lifestyle. As a result, Congress began to look at ways to bring Indians into the mainstream of American life and force them to give up traditional lifestyles. In searching for a way to achieve this goal, Congress reflected on what kept Indians separated from other Americans. It was decided the major deterrent to integration of Indians was the fact that tribes owned land, rather than individual Indians owning land. It was felt that if reservation lands were divided up and granted to individuals, this land would be used for farming and the Indians would give up their traditional practices and become like white people. A plan was devised called the General Allotment Act of 1887 (also called the Dawes Act) which divided the lands of the reservations into individual plots and distributed the land to specific (heads of family, etc.) Indians. Any reservation land not allotted to Indians could then be opened to non-Indians for homesteading. When the Dawes Act was enacted, Indian allotments could also be sold or leased to non-Indians. As a result of this law, large portions of reservation land were acquired by non-Indians. This law was detrimental to Indians and resulted in Indian ownership of land on reservations declining to 48 million acres, compared to 138 million acres prior to the law.

The Dawes Act allowed non-Indians to live on reservations and own land, but the act did not end reservations. The reservations were established as a result of treaties between the federal government and tribes or Indian nations and continued even though the lands had been distributed to both Indian and non-Indian individuals.

HANDOUT #2
Public Hearing Roles

Group 1—This group is headed by Tecumseh, a Shawnee leader. Tecumseh's view on making treaties that grant land to whites is summarized in the quote below. Tecumseh actually lived in the early 1800s and was killed while fighting on the British side in the War of 1812. His solution to stopping white Americans from taking Indian lands was to unite all Indian tribes to fight and force the white Americans off Indian lands. He united Indians in the Red Stick Confederation.

"Why not sell the air, the clouds, the great sea? . . .

White people are never satisfied . . . They have driven us from the great salt water, forced us over the mountains.

. . . We are determined to go no further."

Group 2—This group is headed by Chief Weninock, a Yakima leader.

"When we were created we were given our ground to live on and from this time these were our rights. This is all true. We were put here by the Creator . . . I was not brought from a foreign country and did not come here. I was put here by the Creator."

Group 3—This group is headed by Chief Joseph, a Nez Perce leader.

"This country was made without lines of demarcation, and it is not man's business to divide it. The one who has the right to dispose of it is the one who has created it. I claim a right to live on my land and accord you the privilege to live on yours."

Group 4—This group is headed by Crazy Horse, an Oglala Sioux leader.

"We do not interfere with you, and again you say, why do you not become civilized? We do not want your civilization! We would live as our fathers did, and their fathers before them."

Group 5—This group is from the Montana Stock Growers Association. They are eager to acquire more land for open range cattle ranching. Railroads have made it possible to bring large numbers of cattle into Montana and they anticipate that the available range area will be overstocked. They need more land for the cattle if they are to prosper and make money. They have the backing of the territorial governor.

Group 6—This group is made up of federal employees of the Immigration Service. Large numbers of Europeans are arriving in the United States every day. When they arrive in New York, there are few jobs available for the immigrants. American citizens resent the arrival of so many immigrants because of the competition for jobs. The city is already overcrowded. The city services such as housing, sanitation, and health are all being strained because so many new people arrive each day. You feel the government must open new lands for homesteading so these immigrants can move to a better place. You favor the General Allotment Act because you know the land not allotted to Indians can be opened for homesteading for the new immigrants. You feel the Indians are not using the land properly and its resources are being wasted.

WHY SO MANY GOVERNMENTS?

Developed by Marilyn Ryan

Introduction

News reports of conflict between the authority of tribal governments and state and county governments are commonly found in newspaper headlines in states where reservations are located. All too often, the conflict expands into Indian vs. non-Indian antagonism, rather than a dispute concerning jurisdiction of two governmental bodies. This lesson is concerned about the authority of tribal governments and the relationship of states and tribal governments.

LRE Themes and Concepts

Authority, responsibility, justice, conflict

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Space/ Place/Movement, Global Perspective, Interdependence

Objectives

- To identify the ways different governments have jurisdiction over our actions and activities;
- Define reservation;
- Explain laws and court decisions that define tribal jurisdiction;
- Define **domestic dependent** status of Indian tribes.

Grade Level

7 - 8

Materials Needed

Handout 1

Procedure

1. Ask students to list the different governmental bodies that write laws concerning their life (for example: federal, tribal, state, county, city, school districts). As students respond, list the different governments on the board or overhead.
2. Divide students into groups of two or three and have the students list three rules or laws from each of these different governments.
3. As students report the result of their brainstorming of laws, list examples on the board next to each type of government. Discuss how and why different governments can write laws to regulate behavior.
4. Read Handout 1. Select problem solving questions to work with in class.

TRIBAL AND STATE JURISDICTION HANDOUT

What is an Indian Reservation?

A reservation is the homeland or legally-owned land of a sovereign people. Reservation lands, in most cases, belonged to the Indians before the treaty existed that recognized the Indian ownership. Some reservations consist of land that the Indian people traded (often were forced to trade) the federal government for their original land base. The people living on the reservation still have sovereign reserved powers, even though their land base may have been reduced or traded for alternate land.

Non-Indians owning land and/or living on reservations do not have a voice in tribal affairs. They are not members of the tribe; therefore, they can never have the rights of citizenship in the tribe. Membership in a tribe can only be gained by birth.

In 1924, all Indian people who had not already been granted U.S. citizenship through other laws, such as the General Allotment Act, were recognized as citizens. Indian people are U.S. citizens of the state in which their reservation is located and citizens of their tribe.

Tribal Governments, State Governments, and the Federal Government

Tribal governments have a direct relationship with the federal government. This relationship was established in the U.S. Constitution in Article 1, Section 8. When treaties were written with Indian tribes, the Indian tribes gave some of their sovereign powers to the federal government along with their land, but retained or reserved most powers of independent sovereign people.

As early as 1831 a Supreme Court case, Cherokee v Georgia, declared Indian tribes **domestic dependent** nations. This classification made tribes subject to the laws and regulations of the U.S. Congress, but not to states within the union. Congress has power to write laws and develop policies concerning tribes, but the tribes still retain their sovereignty. Congress, the dominate power, has the responsibility to protect the right of the tribe to govern itself. States cannot interfere with the affairs of the tribe.

Even earlier than the Cherokee v Georgia decision, the federal government established the Bureau of Indian Affairs to administer government Indian policy. In 1824, this agency was established to handle the relationship of tribes and the federal government. States may establish agencies to handle the state and tribe relationship, but this relationship is based on compromise and negotiation of issues, not on one government dominating the other sovereign government. An example of tribal and state negotiations is tribal gambling.

The federal government has direct authority on reservations, but states do not. States can write laws or manage affairs on reservations only if the federal government has specifically granted them authority in a particular situation or circumstance.

When western territories sought to become states, a common regulation demanded their state constitution contain a clause that recognized Indian land rights. The Enabling Act of 1888, which allowed Montana to write a constitution and apply for statehood, has such a provision. Due to such policies, states have given up any right or authority over Indian tribes.

Some federal laws have allowed the states to make contracts with the Secretary of the Interior to provide services on reservations. These contracts often concern education, health, and welfare. For example, Montana can regulate schools on reservations because of such a contract.

Other federal laws, such as Public Law 280 (1953), have granted some states limited authority on reservations. This law allowed some states to maintain law and order on specifically designated reservations. Laws such as this, plus many others, have caused great confusion over what authority states have regarding reservations. The principle to keep in mind is that tribal governments are sovereign and protected by the federal government. States can involve themselves with reservations only when the federal government allows them such interaction for specific services or actions. In all other cases, states have no rights to govern on reservations.

Although this principle may seem clear, the relationship between states and reservations is often very confusing. The numerous laws that allow states authority concerning the reservation have clouded the line of authority and caused conflict concerning the state's rights and the reservation's rights. The laws that grant state authority on reservations are very specific, but the idea has developed in states that if a state can have certain regulation ability on reservations, it has total authority on reservations. Tribal governments often find they are in the position of having to go to court to clarify the authority in specific areas. The tribes over and over win these cases but state, county, and city governments continue to question and attempt to expand their authority on reservations.

PROBLEM SOLVING

1. When this lesson was introduced, we listed different governments and the laws that these governments could write to regulate our behavior. Is there a difference between tribal governments having authority to regulate non-members on the reservation and state laws and city laws regulating our behavior? Discuss.

2. If you visit a neighboring city, do you have to follow a curfew law regulating hours youths can be on the streets?

   If you were to drive a car in a state where you were not a resident, would you have to follow the speed limit of that state?

   Are there any similarities or differences between the way these laws affect non-residents and the way tribal laws affect non-Indians?

3. Research a current conflict between tribal government and the state and/or local government. For example, gambling agreements, water rights, jurisdiction of criminal activity on school land, etc. Prepare a debate on one of these issues.

4. Study the principles established by the Tulle v Washington (1942) Supreme Court decision (see below summary of these principles). Why would the Court issue a ruling including these principles?

Tulle v Washington

When the Supreme Court makes a court ruling regarding Indian treaties, the following principles will guide the Court's decision:

1. Ambiguous (unclear) language in treaties will be decided in favor of Indians;
2. Treaties are to be interpreted as Indians would have understood the document;
3. Treaties will be liberally interpreted in favor of the Indians;
4. Treaties keep for Indians all rights that have not been granted away.

9-12

ILRE LESSONS

- Did You Know?
- Chronicles of Sissy
- Gambling on Montana Reservations
- Indian Cultural Preservation
- Negotiating a Treaty
- Review of Montana American Indian Constitutions
- The Place of Falling Waters
- Where Do We Draw the Line?

✹ DID YOU KNOW? ✹

Introduction

This lesson is designed as an introduction to an Indian LRE unit. It is an interactive lesson that begins to build an awareness of Indian peoples within the state of Montana.

ILRE Themes

Responsibility, Authority, Justice, Environment, Spirituality

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

9-12

Objectives

- To increase understanding of American Indian peoples as indigenous nations of North America;
- To demonstrate knowledge of Montana's Indian tribes through sharing of information;
- To become aware of the unique relationship between Indian tribes and state and federal governments;
- To practice interactive learning.

Time Needed

20-30 minutes

Materials Needed

Fact sheet (Handout 1)

Index cards with facts written on them (or sentence strips)

Procedure

1. Begin with a brief introduction to the topic of Indian Law. Perhaps create a list of what is already known.
2. Distribute index cards, one to each student.
3. Explain that each person is to exchange facts with as many people as possible within the given time frame.
4. After the alloted time has expired, question the group about facts contained on the cards.

Debrief

Discuss the following questions:

What did you learn that you didn't already know?

How did this exercise help you learn new information?

EACH ONE TEACH ONE FACT SHEET (9-12)

Scholars have estimated the population of American Indians in 1492 at numbers between 1.5 to 10 million.

The population of native peoples in 1910 was estimated at less than 250,000.

A reservation is the homeland or legally-owned land of a nation.

There are seven (7) Indian reservations in Montana.

Anthropologists have divided American Indian tribes into twelve (12) culture groups.

Indian languages have been divided into 18 dominant language families.

Before contact with Europeans, there were 200-300 Indian languages being spoken in North America.

The U.S. Constitution gave Congress the right to make treaties with Indians.

The Bureau of Indian Affairs is the arm of the federal government that is charged with overseeing Indian affairs.

There are eleven (11) federally-recognized tribes in Montana.

Indians were granted citizenship in 1924.

The federal government forced the state of New Mexico to give Indians voting rights in 1962.

Indians were denied the right to vote as a result of the fourteenth (14th) amendment in 1868.

Over four hundred (400) treaties have been signed between the United States government and Indian tribes.

In Montana, the Little Shell Band of Chippewa-Cree is currently seeking recognition.

When western territories wanted to become states, they gave up any authority over Indian tribes. There was a regulation that required the states' constitutions to recognize Indian land rights.

The relationship between states and reservations is often confusing.

Some federal laws allow states to make contracts with the Secretary of the Interior to provide services on reservations. States can involve themselves with reservations only when the federal government allows them to.

Major crimes committed on Indian reservations are tried in federal court, not in state court.

Most Indian tribes in Montana have court systems to handle civil cases and minor criminal offenses.

An example of tribal and state negotiations is tribal gaming.

Non-Indians owning land and/or living on a reservation do not have a voice in tribal affairs.

Indian people are U.S. citizens, citizens of the state where their reservation is located, and citizens of their tribe.

Indian tribes have the power to tax within the boundaries of the reservation.

If an Indian works someplace other than on their reservation, they must pay state income tax.

The Discovery Doctrine defined the relationship between the U.S. and Indian nations: When a nation comes across land unknown to it in the past, that nation may acquire ownership of the land but not control of the people living on the land.

A treaty is a binding international agreement between two or more sovereign nations.

The Indian Civil Rights Act of 1868 requires tribal governments and courts to guarantee certain individual rights, such as the right to trial by jury in criminal cases.

• CHRONICLES OF SISSY •

Introduction

These four lessons chronicle the early life of "Sissy" and how she learns about bigotry and racism, how she progresses from being a youth at risk to a juvenile delinquent, dependent on drugs and alcohol and living on the streets of a large city. Then, with the help of the justice and medical systems, Sissy begins to "reform." Students need previous knowledge of the juvenile justice system and status crimes.

ILRE Themes

Authority, Responsibility, Privacy, Justice, Environment

Concepts

Juvenile justice, delinquency, neglect, status crimes, assault and battery, relocation, trust lands, gangs, probation, truancy, DUI, minor in possession, drug abuse, shoplifting, burglary, discrimination, reform

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Space/Place/Movement, Interdependence

Objectives

- To develop an understanding of LRE concepts as they relate to juveniles and adults;
- To apply LRE concepts to personal situations;
- To explore the legal results of "culture clash";
- To become familiar with the juvenile justice system and other agencies which deal with youth.

Grade Level

9 - 12 and juvenile justice settings (Questions may need to be adapted for specific grades or locations.)

LESSON #1

Materials Needed

Narrative #1

CRPs (see individual lesson procedures for suggestions)

Time needed

One or two class periods

Procedure

1. Review related information about the juvenile justice system and status crimes. (Strongly suggest having a CRP from the juvenile court, probation office, or an attorney present this information prior to this lesson.)

2. Have the class brainstorm ways that bigotry and racism can be found in society, on and off the reservations.

3. Have a student or a guest adult "tell" the story of Sissy found in Narrative #1. The storyteller might portray Sissy's aunt, uncle or caseworker.

4. Distribute copies of Narrative #1. Explain that this was Sissy's first encounter with racism. Have them discuss the following questions:

   a. Was Sissy's father treated fairly by the police? Explain your answer.

   b. What legal alternatives (if any) did Sissy's father have open to him at the time (1953) as an American citizen and/or as a Native American? (For useful background information, see Companion Pieces.)

   c. Based on the facts of the story, do you think Sissy's father was put in jail fairly or unfairly? Why?

   d. Assuming Sissy had never previously witnessed prejudice and racism, what conclusions do you think this six-year-old child might have drawn as a result of the incident?

   e. Whatever conclusions Sissy came to because of this experience, do you think this experience will affect her perception of right and wrong, her trust in law enforcement and her feelings about her father, her heritage and herself? Explain.

Debrief

The questions with each lesson can serve this purpose.

SISSY: NARRATIVE #1

Sissy was born and raised on the Fort Belknap Indian Reservation near Harlem, Montana. Sissy's mother and father were both one-half Gros Ventre and one-half white. Her parents took great pride in their Indian heritage and practiced all the native traditions.

Sissy was born in the early 1950s and, by that time, the white world outside the boundaries of the reservation had started to show influence on the young Native Americans, sometimes causing the old ones to whisper to each other behind their hands and shake their heads with concern.

Sissy and her brothers and sisters had to walk two miles from their log cabin that sat next to the Milk River, to catch the school bus that would transport them another 20 miles into Harlem for school. The bitter cold wind would whip across the stubble field Sissy and her siblings ran across to get to the highway, stinging exposed hands and faces, bringing tears to their eyes. Therefore, it was with great joy and excitement when one day after school, with miles still to travel to their drop-off, Sissy spotted her father's old red pickup truck pulled off the highway to fix a flat tire. Sissy and her brothers and sister clambered off the school bus, ran across the highway and hugged their father hello. When the tire was fixed, father tucked blankets and a tarp around the boys, who huddled in the box of the truck. Sissy and her sister sat in the cab with their father. They then drove back to town where father had some business to do and some groceries to pick up.

As Father drove slowly down the street in search of a parking spot, a large new car parked in front of a local bar backed out directly in front of Father's old truck. Unable to stop, Father hit the car hard in the rear. The impact caused Sissy to fly forward and hit her forehead on the windshield, causing a large cut and bump. Her sister fell hard to the floor, but did not suffer much damage. Father was busy assessing his daughters' injuries when a large angry face appeared in the window on Father's side of the truck. The man jerked the door open, letting into the warm interior of the truck the stench of an afternoon spent in the bar drinking whiskey. The angry white man pulled Father from the truck and hit him in the face with his fist, yelling, "You damn stinking Indian! Look what you did to my new car!" Father had spent all of his life as an outdoors man and the furious white man was getting the worst of the fight that followed, when a number of other men from the bar came out and joined their drunk friend in the battle. The next thing Sissy saw of her father was two policemen hauling him to their patrol car to take him to jail. Sissy's older brother managed to get the old truck off the street and to get the children to the home of a family friend. Father spent two weeks in jail and paid a large fine.

It is now 40 years later, but Sissy still remembers.

LESSON #2

Materials Needed

Narrative #2

CRP (If possible)

Time Needed

One class period

Procedure

1. Review the concepts of "relocation" and "trust lands." (See glossary.)
2. Considering that this is the first time Sissy and family have lived off the reservation, discuss how the various family members may have felt seeing so many African Americans at one time and in one place for the first time.
3. The family made many friends in the black projects in a short time. Discuss if this came about because the family members were simply able to make friends easily, or if they may have felt a kinship to the African Americans because of race.
4. (Suggest use of a CRP for this activity, preferably a law enforcement officer or probation officer.) Sissy's brothers fell into gang activity right after they moved from an Indian reservation in Montana to a black housing project in Los Angeles. "Take a Stand" on this issue: The "black" neighborhood was a main factor for their involvement because the neighborhood was "black." (Find instruction for "Take a Stand" in the lesson titled, "Where Do We Draw the Line?")
5. Discuss the following questions:
    a. The U.S. government had relocated Sissy's family. Do you think the government was aware that they were placing the family in a high crime area?

    b. Sissy's family was obviously naive about life off the reservation, having never traveled much or seen television. Do you think the government acted responsibly in its handling of the family?

    c. When James witnessed the murder of his fellow gang member, do you think his father acted responsibly as a citizen and as a parent, based on his prior experience with the law?

SISSY: NARRATIVE #2

A few years after the arrest of Sissy's father, when Sissy was ten years old, Father decided that he would like to try the relocation program the government was offering to Indians on the reservations. Relocation was a government concept of getting Indians off the reservations to mainstream them into white society. Father had grown tired of working his land which was held in trust by the U.S. government and of having to give everything he made back to the government. Father also felt that his children should learn more about life off the reservation as times were changing so fast.

Sissy and her family were relocated to Los Angeles, California. Sissy had never seen an African American (at that time, in the late 1950s called Colored). As the government car slowly drove through the black housing projects of Pico Gardens, Sissy and her family stared out the windows in both awe and fright at the black faces staring back at them.

Many months later, Sissy and her family had made many friends in the projects. Unfortunately, Sissy's brothers did not have it as easy. Yes, they had friends, but they were now members of a local gang. Sissy's brothers were now wearing their hair in greasy ducktails, swaggering around in leather jackets and listening to rock and roll. Two thousand miles from Fort Belknap, Montana, a million miles from home.

Mother and Father worried about their sons and wondered what would become of their daughters in such an environment as they grew up. They couldn't understand what was happening to their family.

One night, Sissy's brother James ran into the house, wild-eyed and out of breath. He was very frightened. He told Father that he had just witnessed members of a rival gang beat a black friend of his to death with bicycle chains. They would have killed him, too, except James, who was strong and fast, managed to get away.

Mother and Father knew that James had a responsibility to go to the police, but Father also felt that he had a responsibility to protect his family. They decided that James would return to relatives in Montana that night.

LESSON #3

Materials Needed

Narrative #3

CRP (if possible)

Time Needed

One class period

Procedure

1. With the help of a CRP (suggest a counselor or probation officer), discuss the following questions:

    a. Sissy's family had always been close and loving, and had always supported each other. How do you think the divorce shaped the family dynamics and attitudes toward authority and loyalty?

    b. Many marriages fail due to outside stresses and circumstances. Do you know of anyone whose life was drastically changed due to family breakups? Have you observed young people acting-out, such as showing defiance within the family or breaking laws?

    c. If a divorce cannot be avoided, can parents take steps to help make the divorce easier on the children? How?

    d. Did Sissy's family show any understanding about why she was suddenly rebelling, or do you think they placed the whole blame on her? Explain.

2. After Sissy was placed on probation, she seemed to have settled down and behaved herself while living with her grandmother on the reservation. Does this mean that she is no longer upset about what happened to her and to her family? Instruct each student to "become Sissy" and write an entry for Sissy's diary explaining her feelings and reasons. Share these on a voluntary basis.

SISSY: NARRATIVE #3

Over the years, Sissy's family had gone through many changes and a lot of turmoil. It seemed her world was changing too fast. Sissy was now 14, and her beloved parents had decided to divorce. The family had returned to Fort Belknap a few years before and now Mother decided to get a job in town, so she took Sissy and the rest of the family with her. Father moved to another part of the state.

Hurt and confusion became a daily reality to Sissy. Things she thought she could always count on, such as family love and stability, seemed to be slipping away. Before the split of her parents, Father and Mother appeared to spend all their time together fighting. The children felt like they had to take sides. Sissy was too young and inexperienced to realize at the time that life had been tremendously hard on both her mother and father and that they desperately needed a change. Hurt, angry and confused, Sissy started to act-out.

It started slowly with a truancy. The day was warm and still. Sissy and her friends did not feel like wasting one of the remaining days of fall on school. They all met in the park and then drove to a ranch about 40 miles from town. An older friend of theirs had managed to buy a few cases of beer and some whiskey. At first the day was fun—drinking cold beer, singing loudly with the Beatles on the radio, and dancing in the dirt road. As the day grew into evening, the beer started to run out. Sissy was secretly worried about facing her mother. To push these thoughts from her mind, she started to drink the whiskey. She became very drunk, and on the long ride home she became sick. Her friends pulled off the highway so Sissy could get out. About this time a Highway Patrolman stopped to see if they were having car trouble. When the officer saw that he was dealing with a car full of drunk teenagers, he radioed to town for help. Soon, two sheriff's cars were there to help take the kids to jail.

At the jail, all the parents were notified about the arrests and they had to come to the sheriff's office to get their children. When Sissy's mother came to get her, she knew she was in big trouble. This caused her to feel even sicker than before, yet, somewhere inside her there was a deep feeling of anger and defiance. She felt that nothing her mother could do to her as punishment could hurt her as much as the breakup of her family.

When they got home, Sissy received a spanking from her mother and was grounded for a month. Two days later her mother and the rest of the family were still not talking to her. Sissy told herself that they really did not care for her, and that is when she made up her mind to run away. But, since Sissy really did not have too many places to run to, she was found in a couple of days.

Mother, of course, was worried about Sissy's rebellion and sent her to live with her grandmother on the reservation. Sissy accepted this decision with mixed feelings. On one hand, she knew and liked everyone on the reservation and felt at home there, even though there was not much for teenagers to do there. On the other hand, was this just another way to further split up the family? Were they trying to get rid of her? Well, if that was the case, she would not make it easy on them. Sissy did not want to leave her boyfriend and friends anyway. So she and her friends all got together and talked about many plans. They all thought that Sissy's parents were mean and unfair. Sissy ran away again, this time managing to stay away for a couple of weeks because she had a friend to help hide her and to make sure she had food and clothes.

Sissy was finally found by the police as she was wandering around the streets looking for a place to stay. She was again taken into custody by the police and eventually went home to her family. But this time, Sissy was placed on probation by the courts.

Sissy did go live with her grandmother on the reservation. For the first few months her friends from town kept in touch, coming to see her from time to time. Sissy's mother and father never did reconcile, and her brothers continued to have scrapes with the law. But for the time being, Sissy settled down and tried to make sense of what had happened to her life.

LESSON #4

Material Needed

Narrative #4

CRP (if possible)

Time Needed

One class period

Procedure

1. Discuss how meeting her mother's new boyfriend threw Sissy off course again.
2. Sissy and her family were shuffled quite suddenly into a variety of lifestyles, from the familiar and traditional reservation to an unfamiliar inner city high crime area to a high-living, undisciplined environment in a strange city, then back to the reservation. After all that, do you believe her problems were inevitable? Discuss. (This is an effective place to use a CRP. A counselor or judge can participate in this discussion and can offer several suggestions of agencies on and off the reservation and in almost any area of the country where a troubled youth can go to find help.)

SISSY: NARRATIVE #4

The year was now 1969, Sissy had just turned 16 years old. She had been living with her grandmother on the reservation for well over a year. One day Mother came out to visit and with her was a man Sissy had never met before. Mother introduced this stranger as her boyfriend. Of all the things Sissy had imagined that might happen to her parents, never had she thought that either of them would ever have another partner. Sissy was appalled and shocked to think of her parents in this new way. Shock replaced shock when Mother also announced that she and her new friend had plans to move with the entire family to Seattle because there was a lot of work opening up there with Boeing getting a large contract for airplanes. Sissy was afraid to move to this strange new place and was even more afraid to have to go with Mother's new boyfriend, whom Sissy had hated with all her heart as soon as she heard about their relationship. Mother made it clear that Sissy would not have any say in the matter and that they would be moving in a few days.

By Christmas time, Sissy's older brothers and sisters were also living nearby in Seattle with their own families. Everyone had new jobs and life had settled down to a sort of routine. There was much shopping and drinking on weekends. Everyone was making a lot of money. This fast and unrestrained lifestyle soon started to take its toll on members of the family. Husbands and wives were always fighting, Mother and her boyfriend had split up and Mother was seeing a different man.

With everyone so busy with their new jobs and their new lives, there did not seem to be much discipline for Sissy and her younger sisters and brother. Soon they were running all over the city, skipping school at every opportunity and partying. They were becoming adapt at covering up for each other and nobody ever really bothered to check up on them too closely. They soon became fascinated with the hippy movement that was so prevalent in downtown Seattle. After some time, they did not bother to try to hide what they were doing from their family. If an objection was raised as to what they were doing, they would simply disappear for a few days downtown. With their new friends and new way of life, it was easy to find a place to stay.

Soon the youngest brother was gone for longer and longer periods of time. Sissy heard from her friends on the street that he was making trips from Seattle to Los Angeles and bringing in drugs for sale and for his own use. Sissy had started experimenting with marijuana and LSD and enjoyed getting high, but still, somewhere inside her, she felt anxious and concerned about her little brother's activities. One time he was gone for over three months and everyone was worried sick. They went to the police to get help, but at that time kids by the thousands were running away all over America, and there was no way the police could find them all. One day he just returned as if he had never been away. They simply found him asleep in his bed one morning. He had been so stoned for so long that he seemed to have lost track of time.

Other things were happening in the family. Two of Sissy's little sisters were pregnant and unmarried. One of her brothers had lost his first wife and children and had another woman living with him who was also pregnant. Another brother's family was barely staying together. Sissy and her youngest brother were deeply dependent on drugs and alcohol. They were into shoplifting and burglary to support their habits. It seemed that life could not get much more messed up for the family, which was once so close and loving, which had followed the time-honored traditions of their Native American heritage with such pride.

Three years passed. One day Sissy was found on the street barely alive from a drug overdose. She was admitted to the hospital and when she was better, she stayed in the hospital for treatment of her drug and alcohol dependency. Father had come to Seattle and it was decided that the girls would return home with him. Soon other members of the family returned home. Life for the family was not as dysfunctional as it had been in the city. Sissy returned to school and was able to graduate. It took many more years for the rest of her brothers and sisters to get their lives in order, but eventually they all did to some degree. There is still much alcoholism in the family, and Sissy's youngest brother will still smoke marijuana when he gets the chance.

Sissy's own life is better now, but she still remembers.

GAMBLING ON MONTANA RESERVATIONS

Introduction

The following lesson is based on the ever present battle between the state of Montana and the Confederated Salish and Kootenai Tribes over gaming on the reservation. The students will be given information on the issues through lectures and handouts and will be asked to come up with a ruling of their own. Teachers are encouraged to adapt this lesson to the nearest reservation, as the problems encountered are similar. Local newspapers and tribal offices can provide resources.

ILRE Themes

Responsibility, Authority, Privacy, Justice

Concepts

Jurisdiction, conflict resolution, sovereignty, gaming laws, equity, taxation, negotiation

Social Studies Themes

Tradition and Change, Social Contracts, Political/Economic, Space/Place/Movement, Interdependence

Grade Levels

9 - 12

Objectives

- To understand the issues of jurisdiction and sovereignty on American Indian reservations;
- To explore the nature of conflicts between states and Indian tribes;
- To develop the art of compromise for conflict resolution;
- To understand the role the federal government plays in solving disputes between states and the Indian reservations within those states;
- To learn the process of reviewing a case before an appellate court.

Time Needed

Three class periods

Materials Needed

Attached article Lake County Leader, April, 1993
Attached article Lake County Leader, July 29, 1993
Attached article Lake County Leader, August 12, 1993
Tribal Government Today: Politics on Montana Indian Reservations
Indian Gaming Regulatory Act of 1988
CRP (suggest an attorney familiar with appellate court procedures, a tribal attorney, a judge)

Background Information

A disagreement over the share of the profits made from gaming on the Flathead Indian Reservation began as early as 1991. Attorneys for the tribe and the state have sat down at the bargaining table for many long sessions, but have had little or no success getting the situation resolved.

In 1993, due to lack of success in negotiating an equitable settlement with the state, the Confederated Salish and Kootenai Tribes filed a federal lawsuit against the State of Montana and the Attorney General's office.

The issue seems to have two main points of contention. The first involves the jurisdiction of the gambling on the reservation, especially in businesses owned by non-Indians. The second issue deals with revenue gained by gambling on the reservation. The tribes and the state both feel they should have the larger piece of the whole revenue pot.

The impact of the disagreement has been felt reservation wide. Both non-Indian and Indian business owners are losing a large source of revenue due to the inability to resolve the issue. Some businesses have had to close and others are being forced to contemplate closure due to loss of business because gaming machines have been removed from their establishments.

Procedure

1. Introduce the lesson by first talking about the issue of gambling on Montana reservations. Ask the students questions on the topic to get a feel for their previous knowledge of the conflict. You may wish to talk to them about the fact that gaming on Indian reservations is the new economic livelihood for entire tribes in states such as Wisconsin.

2. Hand out articles on the gaming talks between the State of Montana and the tribes of the Flathead reservation, and the articles on the case filed with the U.S. Supreme Court by the tribe. Allow time for students to read.

3. Divide the class into three groups. One will serve as a tribal legal team, the second will serve as a legal team for the State of Montana, and the third group will serve as the U.S. Supreme Court. Depending on class size, you may wish to make the court group larger.

4. Groups for the two sides will begin working on their cases. The Supreme Court group will begin looking into such materials as Tribal Government Today to find the ins and outs of sovereignty and jurisdictional disputes. They should at this time formulate a group of questions they want answered by each side if the oral arguments don't bring this forth. This is a good time to use the CRP to help each group define its task, understand its role and the appellate court procedures, and frame its remarks to anticipate the justices' questions.

5. The hearing section of the exercise will begin with a presentation by the State of Montana, followed by the tribe. No questions will be allowed by the opposing side, much as it is in an appellate court case. Depending on the length of the class period, be sure each group is aware of the time limit for its presentation.

6. Following the presentations, the justices will begin working on their decision, preferably in another room if the school setting allows it. (Some teachers prefer to have the deliberations take place in front of the rest of the class, so they experience that portion of the process.)

7. Upon reaching a decision the court will present it to the class. Discussion of the resulting decision will follow, and further discussion of the entire gaming issue will take place. (This is another place to use the CRP, as they will have expertise to help evaluate the validity of the points discussed and the procedures used.)

Debrief

Students should discuss such questions as: What did each side need to know before it could effectively argue its case? What did the justices need to know before they could hear the case and render a decision? How was the decision reached (i.e. by consensus, compromise, majority, etc.)? What are some of the positive and negative effects of gaming on tribal as well as non-tribal people? Will the positives of tribal income or even state income outweigh the negative societal effects?

INDIAN CULTURAL PRESERVATION (VS ASSIMILATION)

> ***Historically, Indians have been allowed to occupy lands until economic and/or political requisition is mandated.***
> ***—American Indian Digest:***
> ***Facts About Today's American Indians,***
> ***1995 ed. Thunderbird Enterprises, Phoenix, AZ***

Introduction

This lesson focuses on the never ending debate over what is more important to American Indians, molding into the white society or maintaining their own tribe's cultural heritage. It allows students to deal with a cultural question that may not have a right or wrong answer. It also allows non-Indian students to see the day-to-day conflict all American Indians have to deal with when trying to fulfill a life in the United States as an Indian.

ILRE Themes

Responsibility, Authority, Privacy, Justice, Spirituality, Environment

Concepts

Cultural heritage, assimilation, racism, poverty, cultural preservation, melting pot, mixing bowl, community/self

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Interdependence

Grade Levels

9 - 12

Objectives

- To enhance the understanding of the concepts of assimilation and cultural heritage;
- To explore the reasons why many Americans feel that assimilation is the way to solve such issues as poverty and racism toward Indians;
- To experience the hearing process as a means of effecting change as a citizen;
- To practice considering multiple viewpoints, solutions, and ramifications of an issue to find a solution;
- To become familiar with the concepts of "melting pot" and "salad bowl" in the discussions involving assimilation or cultural preservation.

Time Needed

Two class periods

Materials Needed

- CRP(s) who has knowledge of efforts to improve understanding of tribal customs and heritage within the tribe
- Indian Education Act of 1972
- Indian Civil Rights Act of 1968
- Indian Reorganization Act of 1934
- The instructor may wish to give a handout or explain the system of mission schools and boarding schools.

NOTE: The above materials can be found in some form in the Appendices or Companion Pieces.

Procedure

1. Begin with an introduction and brief history of American Indians in the 20th Century. This can be a teacher-led introduction or can take the form of handouts or readings.
2. If possible, bring a CRP from tribal government or an elder to explain what efforts are being made to maintain the cultural heritage of Native Americans and, specifically, of their immediate tribe.
3. Divide the class into three groups. One of the groups will develop and present its case for assimilation of Native Americans. A second team will develop and present its case on the importance of cultural heritage for Native Americans. The third team will serve as a panel, hearing the arguments of the two sides and offering its own recommendation. The panel should pose questions and try to draw as much information as possible from the two groups. If the class contains Indians and non-Indians, make sure there is a nice mixture of the students across all three groups.
4. Each side will present its case to the panel while fielding questions from the other group and the panel. Be sure to set a time limit for each presentation and to fit your class schedule.
5. The panel, upon hearing the arguments of both sides, takes the facts into consideration and offers a recommendation.

Debrief

Instruct each student to write a list of what they thought were the strongest points made by each side during the hearing, whether they agree with them or not, followed by stating what recommendation they personally would have made.

Extension Activity

Turn the tables on the class by repeating the lesson, but this time take the approach that the European-descended white people were here first, and the Indian people prevailed and wished to assimilate the whites into the Indian culture and society.

NEGOTIATING A TREATY

Introduction

You and your class have just completed a unit dealing with the conflicts between Indians and whites in the Indian Wars of the late 1800s. It is now time for your class to be divided into two groups to experience just how tough it was to negotiate a treaty with two groups of people so different in culture. Taking into account these differences and using the knowledge your class now has about the events across the United States following the Civil War, have them negotiate a treaty for the movement of Indians onto a reservation.

ILRE Themes

Responsibility, Authority, Privacy, Justice, Spirituality, Environment

Concepts

Restitution, negotiation, treaty, sovereignty

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Citizenship, Political/Economic, Global Perspective, Interdependence

Grade Levels

9 - 12

Objectives

- To explore the wide range of issues that had to be considered for negotiations to be successful;
- To understand the severe disadvantage the Indian nations held during negotiations;
- To participate in the negotiation process.

Time Needed

Two class periods

Materials Needed

Hellgate Treaty of 1855

Blackfoot Treaty of 1855

Ft. Laramie Treaty of 1851

CRP (suggest a trained mediator or mediation attorney)

NOTE: The lesson is most effective if at least one of these treaties is made available to students or a lesson on them is presented.

Procedure

1. Following a unit on the Indian Wars, give a handout or a short presentation on the problems the Indians faced with treaties negotiated with and, at times, forced upon them. If your unit on the Indian Wars is thorough enough, you may be able to skip this step.

2. Divide the class into two equal sides. If you have Native American students mixed with students of other ethnic backgrounds, be sure they are evenly divided on both sides.

3. The group representing the American Indian side should prepare its arguments on the premises that they:

   a) Don't want to go onto the reservation;

   b) Want some form of restitution for the loss of land and culture;

   c) Need to be provided with relief since their lifestyle can't be maintained on a limited piece of land.

4. The group representing the federal government needs to justify its treatment of the tribe in question. As a bargaining strategy they need to have some built-in incentives that may coerce the tribe into accepting the reservation with less negotiation.

5. After preparing their cases, they will next meet at a bargaining table and commence with negotiations. The CRP (or the teacher) will act as a mediator to guide negotiations in a positive manner.

6. If a settlement cannot be reached, the teacher needs to establish a suitable time to break off negotiations.

Debrief

Discuss the following questions:

Are the negotiated provisions realistic? (assuming a settlement was reached)

In what ways do you think a settlement could have been reached? (assuming negotiations were broken off)

If you were asked to be a real negotiator for a special group, what kinds of things would you do to prepare?

Extension Activity

As a way to make the lesson even more valuable, the teacher can provide the students with background information about the Hellgate Treaty of 1855, and the Blackfoot Treaty of 1855 or any other treaty involving Indian tribes of Montana. With the above materials, you may wish to have the students re-enact the negotiations of an actual treaty rather than a mock treaty. If so, their task may be to negotiate a better settlement than the original.

REVIEW OF MONTANA AMERICAN INDIAN CONSTITUTIONS

Introduction

This lesson involves the in-depth study of the constitutions of Montana Indian Reservations. The students will review the different constitutions and try to make judgments on the quality of the documents for their people and whether they contain components that are desired in a sound constitution.

ILRE Themes

Responsibility, Authority, Privacy, Justice

Concepts

Constitutional principles, sovereignty, intergovernment relations

Social Studies Themes

Social History, Social Contracts, Citizenship, Political/Economic, Interdependence

Grade Level

9 - 12 (Best suited for juniors or seniors in courses on civics and government)

Objectives

- To develop an understanding of the basic constitutional principles;
- To explore the relationship between the tribes on the reservations and the federal and state governments;
- To analyze the constitutions and make decisions on the quality of the documents for the people they are written to serve;
- To suggest changes in the constitution and/or the government structure of the tribes to improve tribal government, life for tribal peoples, and relationships with non-Indians.

Time Needed

Four or five class periods

Materials Needed

- Copies of each of the seven tribal constitutions of the Montana reservations
- Copies of the U.S. and Montana State Constitutions
- Copies of books such as Tribal Government Today: Politics on Montana Indian Reservations

Procedure

1. Teach or at least review a unit on basic constitutional principles. Ask students to explain concepts like checks and balances, separation of powers, sovereignty, and federalism.
2. Give students a handout or an oral overview of when and how the tribal constitutions for Montana tribes came about.
3. Divide class into 7 groups of three or four if possible. The best alternative is to have fewer groups if the class is smaller, and omit the review of one of the constitutions.
4. Hand out a copy of a tribal constitution to each group. They should begin their review of the document. Distribute the handout explaining the items to look for including:
    a) Relationship with federal and state government
    b) Basics of constitutional law—checks and balances, separation of powers, popular sovereignty, basic government operations, etc.
5. On the handout (part 4) the students should report on each of those items and also on three items they found to be interesting or unusual. Then, as the main portion of their report, ask them to find one major component of the document they would change in order to improve the constitution.
6. Students report. Students from each group should do their entire report rather than breaking the reports into topical groupings. Other students should be asked to raise questions and then verbally critique the major improvement. This, when done by senior-level high school students, will take two class periods.

Debrief

Discuss what students learned about the document's common components, strengths, and weaknesses. Ask the students what ways they would improve the presentation of this lesson.

Introduction

This unit for high school students explores in depth the history of Kerr Dam, the conflicts and events before and during its construction, and the ramifications of its presence for Indian and non-Indian. Produced by Indians and presented from an Indian perspective, the video series used in the lesson examine the many laws involved, as well as the economic, political, social, and spiritual effects resulting from the building of the dam.

ILRE Themes

Responsibility, Authority, Privacy, Justice, Spirituality, Environment

Concepts

Culture clash, allotment, sovereignty, private ownership, communal (tribal) ownership, concessions, negotiation

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Social Contracts, Political/Economic, Technology, Space/Place/Movement, Interdependence

Grade Levels

9 - 12 (Best suited for 10 - 12)

Objectives

- To explore the cultural, political and economic conflicts that arose as a result of the construction of Kerr Dam on the Confederated Salish and Kootenai Reservation;
- To connect issues, events and perspectives concerning Kerr Dam for better understanding of its impact;
- To examine ways in which American Indians' culture as well as white European culture shaped Montana's history;
- To enhance skills of listening, information feedback, critical thinking, group interaction, and interaction with the physical environment.

Time Needed

6 - 10 class periods, depending on depth of coverage

Materials Needed

VCR and monitor

CRPs (suggest tribal leaders, attorney familiar with issues of sovereignty, environmental expert)

Transportation (if a field trip is possible)

"Take a Stand" signs (see "Where Do We Draw the Line" lesson for instructions)

Procedure

Unlike most of the lessons in the guide, this unit does not specify any particular activities. However, for the lessons to be effective, participatory activities are vital. Teachers may select from such activities as, "Take a Stand," mock public hearings, straw voting, debates, lobbying, panel discussions, interviews of tribal/government/utility officials or private citizens, field trips, comparisons with other current spiritual/political/economic issues, etc.

Also important is the use of CRPs. A host of possibilities exists to make selecting and using CRPs successful. Their contributions will be most valuable if they participate with the students rather than lecture to them.

Debrief

"Take a Stand" on this statement: The ownership, operation, and revenue of Kerr Dam should be turned over completely to the Confederated Salish and Kootenai Tribes. (Be sure to require students to share the reasons for their stands. Also, this could be done in written form.)

Filmstrip Series Presentation: Media Materials

The Place of Falling Waters

This unit is based on three 30-minute videos which consist of Part One: Before the Dam; Part Two: The Road to the Dam; Part Three: The Dam and the Future. The video series presents an historical overview of past, present, and future of Kerr Dam which was built in the 1930s on the Confederated Salish and Kootenai Reservation in Montana.

Part One: Before the Dam: This part discusses the history of the construction of Kerr Dam as it touches upon the cultural and political conflicts among the tribes and non-Indians.

Part Two: The Road to the Dam: This is an historical presentation which follows the time of the Allotment Act through the completion of the Kerr Dam in 1938. Themes in this segment focus on the cultural conflicts resulting from the construction of the dam. One underlying problem facing the Indian people was whether to accept employment in building the dam, poverty being a factor which plagued so many Indian people during this specific time in history.

Part Three: The Dam and the Future: This portion is an historical overview that draws upon the questions in retrospect to the agreement in which Montana Power Company (MPC) was granted control of Kerr Dam for 30 years or until 2015. The MPC is obligated to pay to the Salish and Kootenai an annual "rental fee" of $9,000,000 with adjustments made on an annual basis for the cost of living. In 2015, the tribes have the option to take direct control. Presently, Kerr Dam's net profits are estimated at $50,000,000.

Parts One and Two: The Place of Falling Waters Depicts how the economy and culture have conflicted with sovereignty of the tribes and the traditional way of Indian life. Tribal opposition is steeped in the concepts of two diverse ideologies, those of **capitalism** and **tribalism**. The Allotment Act interfered with the tribal concepts of **communal and tribal ownership** of land. The **Allotment Act** also instilled the concepts of private ownership and competition.

Part Three: The Place of Falling Waters: Draws our thoughts to the future. The tribal leaders' and tribal members' **visions** are interwoven, yet their prevalent views are clearly presented and are interjected with views of the dominant society, for those who believe that tribalism is a concept that has passed through time. However, there are those whose visions of the future see before them native languages revitalized, in which the concept of tribal communal economy is restored.

Video Excerpt/Unit Plan

The purpose of this unit, The Place of Falling Waters, is to present to the students an historical overview of both the cultural and political concerns among the Salish, Pend d'Oreille, and Kootenai tribes as a result of the construction of Kerr Dam.

This unit presentation incorporates the use of the video series, The Place of Falling Waters, a film series developed by Roy Big Crane and Thompson Smith in 1991.

The excerpt from the tape describes The Place of Falling Waters as:

> ...a Native American produced documentary history of the Flathead Indian Reservation from the perspective of the Indian people who live there. The story relates the complex and volatile relationship between the people of the Confederated Salish and Kootenai Tribes and a major hydro-electric dam situated within the Flathead Indian Reservation.
>
> The documentary is presented in three 30-minute parts: 1) a history of tribal society and culture before the dam's construction; 2) the construction of Kerr Dam in the 1930s and its impact on the reservation; and 3) the hopes and dilemmas of the Salish and Kootenai as they prepare to take over Kerr Dam during the next three decades.
>
> This broadcast quality program combines a powerful mix with interviews with tribal elders, archival newsreel footage of the Flathead Reservation, stunning aerial footage of the region, and some photographs dating to the 19th century.
>
> (Roy Big Crane and Thompson Smith, 1991)

PART ONE: BEFORE THE DAM

1. Hellgate Treaty, 1855
2. Traditional Cultures
    a. Spiritual relationships with the environment
    b. Communal nature of the tribes' economy
    c. The cyclical patterns of food gathering
    d. Values of Salish, Pend d'Oreille, and Kootenai
3. Non-Indian invasion—decline in natural food sources
4. Indians face hostility as they exercised their rights to hunt, fish, and gather outside reservation boundaries (i.e., Swan Lake Massacre)
5. Farming and gardening incorporated in native lifestyles, for survival purposes
6. Jesuit missionaries—cultural and religious indoctrination (1840s) cultural loss impacted by Jesuit policies
7. The Allotment Act
    a. Destroys **communal settlement patterns**
    b. **Cyclical patterns of movement** across the land
    c. **Tribal Land Base**
    d. 19th century policy aimed at forcing Indians to relinquish their traditional ways of life
8. Assault on tribes
    a. People never gave up
    b. Never disappeared
    c. Never completely abandoned their cultural traditions
9. Opposing Views
    a. Whites
    b. Indians
    c. U. S. Agents (under Department of War)
10. Opening of the reservation
    a. White settlement onto the reservation
    b. Railroad right of way through the reservation
11. Salish removal from the Bitterroot Valley

PART TWO: THE ROAD TO THE DAM

1. The **Corollary to the Allotment Act**
2. **Flathead Irrigation Project** (Congressman Joseph Dixon)
    - a. Transition to farming
    - b. Opposition to the Irrigation Project
        - 1) Harm to pristine creeks of the reservation and abundant fisheries
        - 2) Opposed non-Indians claiming Eminent Domain over allotment and bisecting them with huge ditches
3. Irrigation Project—who benefits
    - a. Due to the Homestead Act, non-Indians "flood" the reservation (1910)
    - b. Passage of **Irrigation Bill** (1908)
    - c. Irrigation System guarantees successful homestead
    - d. Influx of Non-Indians (population changes)
4. Department of Interior—Approval to construct Kerr Dam by MPC to bail out the financially ailing Irrigation Project
5. Allotment Act effects on tribal people
    - a. Poverty—dependent on cash for survival
    - b. Seek employment
    - c. Consumers buy from stores
    - d. Alcoholism
    - e. Indian people dependent on Bureau of Indian Affairs (BIA)—rations
    - f. Diabetes (1938) first case of Indian diabetic due to change in diet
    - g. The **Dark Time** (20th Century—1938)
        - 1) Indian people denying their heritage
        - 2) Indian people change their names
        - 3) Indians pass as white
    - h. Humor and survival
6. Montana Market Economy—two industrial giants
    - a. Anaconda Copper Mining Company
    - b. MPC (Rocky Mountain Power Company)

c. Montana Economy and Political Systems

d. RMPC, BIA federal license to build the dam despite opposition from the tribal government

e. John Collier's **American Indian Defense Association** (tribal concessions to gain control of the dam in the 1980s)

7. The Place of Falling Waters

a. Kootenai sacred place—the falls of Flood River

b. Implement fishing rights

c. Employment—200 tribal members take jobs at $.45/hour at time of depression

PART THREE: THE DAM AND THE FUTURE

Tribal control of the dam—What does this resource mean for the Confederated Salish and Kootenai Tribe?

1. Other tribes gain control of resources

a. Navajo—coal and uranium

b. Northern Cheyenne and Crow—coal

2. Change as a result of control of a powerful resource—Kerr Dam

a. Restore tribal sovereignty

1) tribal economy

2) buy back tribal lands

b. Restore political and economic control to the tribes

c. Restoration of cultural way of life, that of tribalism

WHERE DO WE DRAW THE LINE? (9-12)

Carvings and Graffiti: Vandalism, Art to Tradition?

Introduction

This lesson explores the controversy over whether graffiti on public or private property should be considered a form of art (sometimes with a religious purpose) or a form of vandalism. The U.S. Constitution protects genuine art as free expression, but also protects privacy and property from violation. Through an examination of symbols from several historical periods, various cultures and their own environment, students will practice determining the differences between graffiti art and vandalism. At the same time, they will practice reaching consensus and viewing ideas and events through different perspectives.

ILRE Themes

Authority, Environment, Justice, Responsibility, Environment

Concepts

Vandalism, consensus, tradition, freedom of expression, property rights

Social Studies Themes

Cultural Heritage, Social History, Tradition and Change, Citizenship, Political/Economic, Technology, Interdependence

Grade Levels

9-12 (Adaptations for K-2, 3-5 and 6-8 are also available)

Objectives

- To explore uses of symbols in various societies;
- To learn to differentiate between carving and graffiti-type art (free expression) and vandalism;
- To recognize that responsibilities of citizenship must often take precedence over personal whims;
- To consider appropriate alternatives to vandalism;
- To practice reaching consensus.

Time Needed

Three to five class periods, depending on students' previous knowledge

Materials Needed

- Handout: "Where Do We Draw the Line?"
- Book: And Still the Turtle Watched by Sheila MacGill-Callahan
- Pictures, slides, posters of hieroglyphs, petroglyphs, other symbols from many cultures (crosses, Star of David, swastika, military symbols, school mascots, cave paintings, tipi decorations, business logos, trademarks, etc.)

- CRPs: Suggest an archaeologist to discuss vandalism laws concerning historical sites; tribal historian to discuss tribal symbols; business person to discuss results of vandalism; youth court officer to discuss local laws and probable consequences of breaking them
- Butcher paper, markers and tape
- Four symbol pictures (cut into correct number of puzzle pieces to create four equal groups)
- Four consensus questions
- Take a Stand" signs posted on the wall (signs should say "strongly agree," "agree," "undecided," "disagree," and "strongly disagree")

Procedure

Phase 1

1. Show pictures of cave paintings, petroglyphs, cultural symbols to class, explaining briefly what historians think they meant to the people who used them. Be sure to make the point that symbols are frequently used as a type of code, means of communication or part of a ritual.

2. Write the definition of graffiti on the board. (Graffiti is writing or drawing on a surface such as a wall or a rock.) Ask students to give examples of graffiti that they've seen. What kind of carved graffiti have they seen? List these examples on a piece of butcher paper. Then write the definition of vandalism on the board. (Vandalism is destroying or ruining the appearance of public or private property.) Ask the students which of their examples might be considered vandalism. Circle those. Discuss as a group why they chose those examples as vandalism. Keep the lists for a later activity.

3. Stress that, while vandalism is against the law, and graffiti can be one kind of vandalism, graffiti can also be considered a kind of folk art. Some communities set aside fences or walls for "legal graffiti," and some hire artists to draw, paint or carve murals or symbols on certain properties. Because these artists have permission, the graffiti they put on these surfaces is not illegal. What types of "legal graffiti" have your students seen? (Magazines such as Smithsonian, Native Americans, Architecture Digest, National Geographic often have pictures about mural, symbolic and "graffiti" art.)

4. Divide the class into four groups by handing each student a puzzle piece and instructing them to find the other people who can make their symbol complete. NOTE: Be sure to have exactly the right number of pieces to complete all puzzles and include all students. In case of absences, be prepared by having extra puzzles cut into 3, 4 or 5 pieces, or you can fill in the missing piece.

5. Give each group a consensus question. Tell them they must reach consensus on their question and be prepared to report back to the entire class. Allow 10 minutes for reaching consensus. (Be sure your class understands that consensus means everybody: **majority** is different—it means "one more than half.") Remind them that consensus does not necessarily mean they all feel strongly in agreement, but that they have reached a compromise that they can all live with.

6. Have each group report to the class. Discuss the reasons why they think the answers were different and/or similar. What attitudes or thoughts about the school would each group of people have had (i.e., the students, faculty, parents, students of the rival school)?

Debrief

What did the students think about the decisions made in the last activity? Would they find any of the graffiti to be rude or distasteful? Which ones and why?

Phase 2

1. Review the definitions of "graffiti" and "vandalism."
2. Read aloud the book And Still the Turtle Watches by Sheila MacGill-Callahan without showing the pictures. Be sure to practice so you can almost tell the story! (If you feel your students won't appreciate having a juvenile book read to them, set up Extension Activity #5 below for them to do after they "practice" with this lesson.)
3. Hand out "Where Do We Draw the Line?" Read the instructions and questions aloud so all students understand them. Instruct students to individually answer questions as you read the story again, this time showing the pictures. Allow time to finish the questions after you end the story.
4. This is a good place to use a CRP to help students evaluate their answers to the questions and to present other perspectives, viewpoints and legal issues.
5. If a CRP is not available or after the CRP is gone, have students "Take a Stand" on this statement: "Students should be allowed to carve or permanently mark their names on their desks, chairs, and books." Have them write their choice on a slip of paper, fold it, place it in a basket. Then have each student draw a slip and stand in front of the sign indicated on the slip. (Or dispense with the slips and have each student take his/her own stand.) They need to have thought about all sides of the issue, because now they must say why they think the person whose slip they drew answered as they did. The groups under the signs, if in lines, should form a human graph. To show how people's opinions can change when they hear different perspectives, give them the following directions: "Now that you've heard other sides of the issue, reconsider your own stand. Move to the sign which corresponds to the stand you would now take."

Debrief

Ask the students if they now consider the acts listed in the "Take a Stand" question as vandalism and, if so, what can be done about it. Remind them that in public schools, tax dollars pay for the equipment and for repairs, so the law considers desks, chairs and books as public property. What might be considered "legal graffiti" in a school?

Would the early Delaware have considered the turtle carving to be vandalism? Why/why not? Why do we now have laws to keep us from vandalizing things? Referring to their original list of vandalism/graffiti, what would they change or add? Do you think modern Delaware people care about what happened to the turtle carving? Why?

Extension Activities

1. Referring to And Still the Turtle Watches, divide the class into three groups for an "adversary approach" activity. One group represents the Delaware Tribe who want the turtle rock returned to the tribe; another group represents the botanical gardens where the rock is now displayed; the third group are judges who must decide the issue of who gets the turtle rock. (See the instructions for "Adversary Approach" in Appendix.)

2. Using what students have learned about symbols, have them individually or in groups develop a code using symbols. Then have them compose a sentence, put it into code, and swap sentences with another student or group who will attempt to decode and translate the sentence. To make it easier, require all sentences to include the same key work, such as "the" or "so" or "many."

3. Using some of the questions from the"Where Do We Draw the Line?" worksheet, have students "Take a Stand." When students are in their respective lines, they should share their three reasons for their stand. One person in each group ("agree," "disagree," etc.) should act as the spokesperson to persuade other individuals to change their stand. As students do change their stand, they move to the line that reflects their new choice, and they may share their reasons for changing. Be sure students watch the "graph" to see how opinions change and sometimes, how minorities can become majorities when they listen to different viewpoints on the same issue.

4. Have the class design a mural using symbols. Then have them choose a delegation to request permission from the administration to either recreate the mural on the sidewalk with chalk or on the snow with spray bottles filled with water and food coloring. If you're very persuasive, you might be allowed to paint the mural on a prominent wall of the school. You might want to enlist the help of the art teacher, and don't forget to have the students dress in old clothes for the project if it's approved! This becomes legal graffiti.

5. Have a group of students present this lesson (see its variation elsewhere in this guide) to a primary class.

WHERE DO WE DRAW THE LINE?

In the story And Still the Turtle Watched by Sheila MacGill-Callahan, at least five human-caused changes are made to a large rock. Where do we draw the line between which should be considered vandalism and which should not?

For each question below, take a stand by circling your level of agreement or disagreement. Then briefly state three reasons to support each stand.

1. The old man's carving of the turtle should be considered vandalism of public property.

Strongly agree   Agree   Undecided   Disagree   Strongly disagree

Reasons:

1.____
2.____
3.____

2. The loggers' harvesting of the surrounding forests should be considered vandalism.

Strongly agree   Agree   Undecided   Disagree   Strongly disagree

Reasons:

1.____
2.____
3.____

3. The boys' painting of graffiti on the turtle rock should be considered vandalism.

Strongly agree   Agree   Undecided   Disagree   Strongly disagree

Reasons

1.____
2.____
3.____

What's Your Opinion? Where to you think turtle rock should have been placed? Why?

____
____
____
____

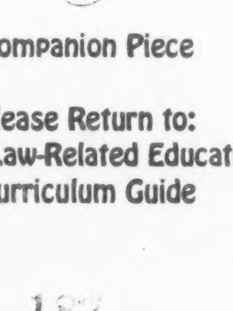
CONSENSUS QUESTIONS

1. The students in your group have been asked to create and decide on either three symbols or three scenes of activity to be included in a graffiti mural depicting the people and culture of your school. You need to create several ideas and come to a consensus on three.

2. The faculty in your school has been asked to create and decide on either three symbols or three scenes of activity to be included in a graffiti mural depicting the people and culture of your school. Pretend you are the faculty and create several ideas, then come to a consensus on three.

3. A group of parents in your school has been asked to create and decide on either three symbols or three scenes of activity to be included in a graffiti mural depicting the people and culture of your school. Pretend you are that group of parents, create several ideas, then come to a consensus on three.

4. A group of students in a rival school has been asked to create and decide on either three symbols or three scenes of activity to be included in a graffiti mural depicting the people and culture of your school. Pretend you are that group of students, create several ideas, then come to a consensus on three.



Companion Piece

Please Return to:
Indian Law-Related Education
Curriculum Guide

MANY NATIONS IN ONE
A HISTORY OF FEDERAL INDIAN POLICY

September 1993

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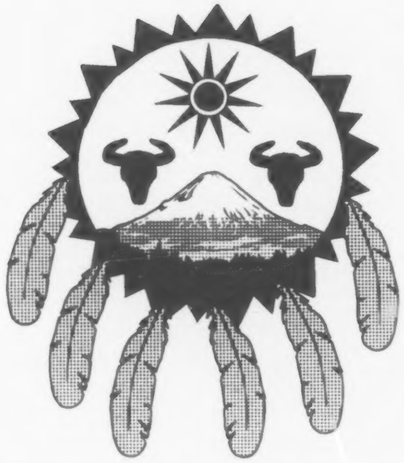

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MANY NATIONS IN ONE

A History of Federal Indian Policy

Prepared by
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Montana Legislative Council

September 1993

INTRODUCTION

When Christopher Columbus arrived in America in 1492, he was met by approximately 1 million inhabitants whose ancestors had arrived here over 30,000 years before.[1] They spoke over 200 different languages, practiced their own religions, and operated their own governmental systems. They were organized into over 400 independent nations, ranging from small nomadic bands to fairly large tribal organizations, each controlling its own territory. As Europeans began flocking to the shores of America, the Indians assisted them by sharing their food as well as their agricultural techniques. They taught these new arrivals how to build canoes, follow trails, and use herbal medicines. In return, the Indians acquired horses and rifles. The Europeans, however, also brought something else with them to this new world: disease, especially smallpox, cholera, measles, and respiratory infections. The Indians had no immunity to these diseases, and thousands died. More deaths were caused by the westward expansion of the new nation of the United States, and by the end of the 19th century, the Indian population numbered less than half a million.[2]

Today, the Indian population in the United States is approximately 1.7 million. Indians live in every state, although there is a very large concentration in a few states. Most of the Indians live west of the Mississippi River, but 25% live in the Northeast.[3] There are about 300 Indian reservations in the United States, covering 52.4 million acres. These reservations range in size from the 15.4 million-acre Navajo Reservation, located in four states, to the 1/4-acre Golden Hill Reservation in Connecticut. About one-half of the Indian population lives on or near lands reserved for them by the federal government by treaty, statute, or executive order.

Indian tribes are a unique group within American society. While they compose a minority of the United States population, the legal status of tribes, unlike African Americans or Hispanics, is not based on race. Rather, it comes from the fact that since preconstitutional times, Indian tribes have always been recognized and treated as distinct, independent political communities.

Although Indians are citizens of the United States and of the states where they reside, they are also members of a tribe and are subject to a tribal government if they reside on a reservation. State governments exercise some jurisdiction within the boundaries of an Indian reservation, but that jurisdiction is limited.

How Indian tribes attained this unique position in American society is a function of history and of federal Indian policy--a policy that has vacillated between regarding tribes as sovereign equals and attempts to terminate tribes. Today the policy is one of tribal self-determination, but given the history of the past 200 years, there is no guarantee that this policy will persist.

The purpose of this report is to trace the development of federal Indian policy in an attempt to understand the current status of Indians and Indian tribes in the United States. Understanding the shifts in federal policy will help explain tribal skepticism of state and federal policy and programs. It will also help in understanding why Indian law is so complex and often confusing.

CHAPTER ONE

AGREEMENTS BETWEEN EQUALS

Colonial Times to 1820

When the Spanish conquistadors moved across Mexico and into what is now the southwestern United States, they encountered numerous Indian tribes whose lands they desired. Spanish law, however, forbade these conquerors from simply taking the land. Consent of the Indians was required before Indian lands could be legally acquired. This principle was based on three assumptions:

1. both parties to a treaty were sovereign powers;
2. Indian tribes had some form of transferable title to the land they possessed; and
3. acquisition of Indian lands was solely a matter for a government.[4]

Although the subsequent actions of the conquistadors and many Spanish government administrators contrasted sharply with the notion of Indian consent, those actions were in violation of existing Spanish law.[5] The principle of Indian consent before land acquisition was adopted by the British and ultimately by the Americans.

The British in North America dealt with the Indian tribes as foreign sovereign nations. Part of the reason for this was to seek the support of the Indian tribes in the British confrontations with the French, especially during the French and Indian War. The Americans later sought out the Indian tribes in their revolution against the British. The Americans continued these alliances as a means of protection from foreign interference during the new nation's fragile beginnings.

Treaty making was the policy of choice of both the British and the Americans in their dealings with the various Indian tribes that inhabited this new land. Indian tribes were regarded as having the same status as foreign nations; therefore, Indian treaties were accorded the same respect as foreign treaties, with two notable exceptions: Indian treaties were always construed in favor of the Indians and Indian treaties were not abrogated by later treaties or statutes unless it was clearly shown that abrogation was specifically intended.[6]

From 1776 to 1789, generally known as the Confederation period in American history, the Continental Congress continued to negotiate treaties with Indian tribes. In addition, certain elements of an Indian policy were beginning to be developed: Indians came to be regarded as dependent wards of the government; lands on which to hunt and live were reserved by tribes; and Congress was recognized as the sole authority to regulate trade with Indians.[7] With the adoption of the Constitution in 1789, treaty making was continued. Indian affairs were placed in the hands of the central government to achieve stability and to avoid confrontations with white settlers. The newly created Congress passed numerous laws protecting Indians from non-Indians, although enforcement of these laws was spotty at best.

During this treaty making period, certain principles were developed that have continued to influence federal Indian policy to this day: Indian tribes are considered to be governments: the United States exercises broad powers over Indian affairs; matters affecting tribal self-government are generally reserved to the tribes; states have very limited jurisdiction in Indian country; the United States has a special trust obligation to Indians; and treaties and statutes must be construed to favor Indians.[8]

As long as the United States remained confined to 13 states on the eastern seaboard, relations with Indian tribes remained relatively peaceful. However, by 1800, the demand for territorial expansion, caused by the new nation's rapid growth, increased and Indian tribes were increasingly viewed as barriers to national growth and development.

CHAPTER TWO

MOVEMENT TO THE RESERVATIONS

1820 to 1871

The end of the War of 1812 brought a new sense of security to the young United States. No longer did the nation fear foreign interference, especially from Great Britain; it was now free to concentrate on internal affairs, namely westward expansion. However, expansion accelerated the friction between Indians and non-Indians as non-Indian demands for more land became more acute. In response to these demands, the federal government began negotiating treaties of cession with the tribes, but the tribes resisted the demand to cede lands by treaty. The solution for the federal government was to remove the Indians from their homelands to lands west of the Mississippi River.

In 1830, Congress passed the Indian Removal Act; removal now became a formal federal policy and the primary concern of treaty making. The act allowed President Andrew Jackson to "negotiate: with the eastern tribes for an exchange of their lands for land west of the Mississippi. Although the removal was termed voluntary, tribes were actually coerced into exchanging their lands.[9] During this period, over 15 tribes were removed from their homelands.[10]

The area to which the tribes were removed was the vast, unsettled American West. Here they joined the large number of Plains Indians whose culture was centered on hunting. The resettlement of Indians from the East resulted in their occupying vast areas of land. To non-Indians, this area was viewed as uninhabitable and undesirable. It was semiarid, devoid of trees, and totally unsuited to eastern agriculture. But in the 1840s, settlers began crossing the Great Plains on the Oregon Trail, bound for the lush climes of the Pacific Northwest. Then, in 1849, Jacob Sutter discovered gold near his mill in the Sierra Nevada foothills, and the rush to California began.

As increasing numbers of settlers rolled their wagons across the American West, conflicts with the Indians were inevitable. In order to protect these travelers, the federal government dispatched army troops to the West. The resulting Indian wars are well documented.

By the 1850s, the federal government again altered its Indian policy to address the "Indian problem" of that era. Removal of the Indians to the open plains had not worked; the next step was to remove them to federally designated reservations.

Since colonial times, Indian policy had been to keep Indians and non-Indians separate. This separation was initially accomplished by forbidding individuals and even colonies (and, later, states) from negotiating with tribes and strictly regulating trade and association with tribes. The policy of separation evolved into removal of the Indians and eventually into segregating them onto tiny islands of land. Treaty making now became concerned with creating reservations. Most often, these reservations were located near the Indians' homelands, although in some instances, tribes were removed to far distant reservations.[11] No longer able to hunt buffalo, the Indians were forced to accept government rations, thus beginning a cycle of almost total dependence on the federal government for survival.

The Fort Laramie Treaty of 1851 created two reservations in Montana for the Blackfeet and the Crow tribes. A second Fort Laramie Treaty 4 years later added the Sioux, the Assiniboine, and the Gros Ventres to the Blackfeet Reservation. In 1888, the Blackfeet Reservation was split into three separate reservations by congressional order. These reservations were the Blackfeet, Fort Belknap, and Fort Peck. The Hell Gate Treaty of 1855 created the Flathead Reservation in northwestern Montana. The Northern Cheyenne Reservation was created by executive order in 1884. Rocky Boy's Reservation was established by congressional act in 1916.

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CHAPTER THREE

THE END OF TREATY MAKING

1871 to 1887

Beginning with the first settlements in New England in the 17th century, Indian policy dependent upon treaty negotiations was based on the recognition of the strength and military importance of Indian tribes, especially in the Revolutionary War and the War of 1812. After the latter war, as the immediacy of the threat of foreign invasion diminished, critics of treaty making called for its abolition, arguing that Indian tribes were not independent nations possessing rights of sovereignty--they were subjects of the United States, and Congress has as much right to legislate for the Indians as for the people in the territories.[12] Therefore, critics concluded, Indian affairs should be dealt with through general legislation. However, official policy continued to recognize tribes as sovereign entities worthy of respect as autonomous governmental bodies.

After the Civil War, government officials increasingly adopted the belief that Indian tribes could no longer be regarded as sovereign nations. Instead, Indians "should be regarded as wards of the government, entitled to its fostering care and protection."[13] Humanitarians also called for an end to treaty making, viewing it as a protection of tribal culture that was a barrier to assimilation of the Indian into American society. For some government officials, however, abolishing treaty making was viewed as a punishment for those Indian tribes that allied themselves with the Confederacy during the Civil War.[14]

Treaty making with Indian tribes effectively ended in 1871 because of politics, not policy. The United States House of Representatives resented the power of the United States Senate over Indian relations. This power stemmed from the Senate's constitutional responsibility to ratify all treaties entered into by the United States. In an attempt to equalize this power, the Appropriations Act of March 3, 1871, contained the following clause:

> *Provided,* That hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty: *Provided, further,* That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe.[15]

After 1871, Indian affairs were handled through agreements, statutes, or executive orders. Tribes were no longer recognized as independent nations; tribal consent was no longer required. However, the agreements, statutes, and orders continued to have legal ramifications similar to those of treaties.[16]

With the tribes now, for the most part, confined to reservations, the federal government began extending its control over the Indians in its care. Administration of Indian affairs was centralized in the Department of the Interior, and a Commissioner of Indian Affairs was appointed. In addition, an Indian agent was assigned to each reservation. The government also established special courts on the reservations to prosecute crimes by Indians against Indians.

With the end of the treatymaking period came a new shift in Indian policy. As more and more Americans poured into the Great Plains, geographically isolating Indians was no longer possible, even on reservations. Therefore, assimilation became the watchword of the new federal Indian policy.

CHAPTER FOUR

ALLOTMENT AND ASSIMILATION

1887 to 1928

The confinement of Indians to reservations, with the accompanying dependence on government largesse, resulted in a situation of hopeless poverty. This poverty spurred critics of federal Indian policy to call for reforms not only to alleviate the poverty but to also create a new role for Indians in American society. Moreover, the idea of large tracts of land being excluded from white settlement bred resentment among many non-Indians.

Indian poverty and non-Indians' desire for land spurred the development of a new federal Indian policy: assimilation. The components of this policy were allotment, education, and citizenship. Each component was designed to force Indians to assimilate into white society by breaking up tribal governments, which were viewed as obstacles to the cultural and economic development of Indians.

Within the context of Indian policy, allotment meant the assignment of reservation land to individual Indians. It was believed that allotment would promote an agricultural lifestyle among Indians while opening up more land for white settlement. As early as 1633, Indian lands had been allotted. Early treaties reserved some lands for ownership by individual Indians or families. Tribal ownership (communal) of lands was sometimes converted into ownership with title held by individual tribal members. These early attempts failed as allotted land quickly passed from Indian allottees into the hands of non-Indian traders and land companies, often by means of fraud.[17]

In 1887, the U.S. Congress passed the Indian General Allotment Act, often referred to as the Dawes Act, which called for all reservation lands to be surveyed and then allotted to individual Indians to farm. The first allotment consisted of 160 acres to each head of household and 40 acres to each minor. This was later amended to 80 acres of agricultural land or 160 acres of grazing land to each Indian.[18] Title to the allotted land was held in trust by the federal government for a period of 25 years. At the end of the trust period, the Indian allottee was given free and clear title to the land. However, at that time, the land became subject to the laws of the state in which the land was located, including taxation laws. Surplus lands on the reservations remaining after allotment were purchased by the United States, and the funds were held in trust for the sole use of the tribes. Pressure from non-Indians eventually led the government to open up the surplus land on some reservations to white settlement. It was hoped that the white farmers would serve as role models for their Indian neighbors.

The policy of allotment was a dismal failure. Because Indians were generally unfamiliar with the laws and requirements of land ownership, many allotments passed into non-Indian hands, thus defeating the intention of turning Indians into farmers. During the trust period, Indians leased their lands to non-Indians, often with terms unfavorable to the Indians. Some federal agents encouraged this leasing because Indians only grazed horses, which was viewed as an unproductive use of the land.[19] After the trust period ended, lands were lost because of nonpayment of taxes or were sold to satisfy debts or to acquire money to survive. From the passage of the Dawes Act to 1934 when allotment ended, 90 million acres of Indian land were lost. Twenty-seven million acres passed from Indian allottees to non-Indians through sale; an additional 60 million acres were ceded outright or sold to non-Indians as surplus lands.[20] Allotment resulted in separating Indians from their land without accomplishing the benign purposes intended by its supporters.

Allotment occurred on six of Montana's Indian reservations. However, with the exception of the Crow Reservation, the lands were not allotted until after 1900. Surplus lands on the Fort Peck and Flathead Reservations were opened up to non-Indian settlement: the remaining reservations were not opened. However, some allotted land on the Crow and Blackfeet Reservation did eventually pass into non-Indian ownership. Land was never allotted on the Rocky Boy's Reservation.

In addition to allotting Indian lands, the Dawes Act also conferred citizenship on Indians receiving allotments and on Indians living apart from their tribes and adopting "habits of civilized life." In 1924, citizenship was extended to all Indians born within the United States as a reward for participating in World War I. Citizenship did not alter the status of Indians as wards of the federal government or as tribal members. Indians were also made citizens of the state in which they resided. However, many states continued to deny Indians the right to vote because they were not taxed and they were under the guardianship of the federal government.

The education of Indian youth in the non-Indian culture was also seen as an important tool in the assimilation process. It was believed that if Indian children would adopt non-Indian ways, then within a generation, assimilation would be completed. The first Indian schools supported by the federal government were mission schools operated by various religious denominations. In the 1870s, the government began operating off-reservation boarding schools in the belief that removal from tribal influences would speed the assimilation process. That philosophy changed by the turn of the century to one of "bringing civilization" to the Indians through on-reservation day schools. By 1917, the federal government concluded that public schools offered the best opportunity for the assimilation of Indian children. However, many public schools refused to admit Indian children because their parents did not pay taxes to support the schools. The federal government agreed to pay tuition to allow Indian children to attend public schools.

The whole Indian education system, from mission schools to public schools, facilitated the loss of the traditional native lifestyle and did irreparable damage to Indian culture. Indian children were taught that their culture, the culture of their parents and grandparents, was inferior. As a result, tribal traditions and languages were lost for many, many years.

Although federal Indian policy would continue to take various twists and turns over the next 40 years, assimilation would remain a dominant theme. America as a melting pot of cultures is a strong image, and many people believe that Indian culture should be blended into the mixture.

CHAPTER FIVE

TRIBAL REORGANIZATION AND PRESERVATION

1928-1942

In the late 1920s, the Commissioner of Indian Affairs commissioned the Institute for Government Research, a nongovernmental agency, to examine the administration of federal Indian policy and its impact on Indian life. The Meriam Report, issued in 1928, documented the failure of federal Indian policy during the allotment period. The report highlighted the deplorable living conditions of Indians on reservations. Poverty, disease, suffering, and discontent were common. The report also criticized the inefficient, paternalistic administration of Indian policy that neither encouraged nor supported Indian self-sufficiency. The Meriam Report reflected assimilationist attitudes but gave greater respect to Indian culture. It defined the goal of Indian policy as the development of all that is good in Indian culture.

The Meriam Report served as the primary catalyst for the change in federal Indian policy that occurred in the 1930s. The Commissioner of Indian Affairs began implementing many of the report's recommendations, including hiring more Indians to work in the Bureau of Indian Affairs (BIA), upgrading the qualifications of BIA personnel in terms of education and expertise, emphasizing education in local day schools and not in distant boarding schools, and encouraging respect for Indian culture. Legislative changes also occurred. The Leavitt Act was passed in 1932, discharging the debts of Indians for the construction of reservation irrigation projects not requested by the tribes or beneficial to them. The Johnson-O'Malley Act of 1934 allowed the Secretary of the Interior, using federal funds and federal facilities, to contract with states to provide a full range of Services to Indians. Services included education, health care, social welfare, and agricultural assistance. Later, contractual arrangements were extended to public and private institutions, corporations, and agencies and political subdivisions of the states.

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The culmination of this change in federal policy was the passage in 1934 of the Indian Reorganization Act (IRA), also known as the Wheeler-Howard Act. The purpose of the IRA was to encourage economic development, self-determination, cultural plurality, and a revival of tribalism. Although eventual assimilation was still considered the goal of Indian policy, the IRA was to provide a mechanism for tribes as governmental units to interact with and adapt to modern society, rather than force assimilation of individual Indians. The IRA was based on the assumption that tribes should be in existence and that their land base should be protected. A major objective of the IRA was to restrict the pervasive federal administrative power but to continue federal supervisory authority.

The IRA ended the practice of allotment and indefinitely extended the trust period for those allotments still in trust. The IRA, however, did not specifically repeal the General Allotment Act. Surplus lands on a reservation that had remained unsold were restored to tribal ownership; additional lands were also acquired for tribes. These additional lands either became new reservations or were attached to existing reservations.

The IRA authorized tribes to adopt constitutions and bylaws and to organize as federally chartered, self-governing corporations, subject to tribal ratification. The constitutions and charters were also subject to approval by the Secretary of the Interior. Tribes were free to choose whether or not they wished to organize under the IRA. A revolving fund of $10 million was established to make loans to incorporated tribes.

The IRA also established an employment preference for Indians within the BIA. This gave Indians some influence in at least administering federal Indian policy, although their role in formulating policy was still negligible.

Implementation of the IRA resulted in some very tangible benefits for Indian tribes. It halted the further rapid erosion of the tribal land base. Federal funds were spent for on-reservation health facilities, roads, irrigation systems, housing, and schools. The IRA's success in encouraging tribal self-government was more limited. The model constitution suggested by the federal authorities was based on an Anglo-American model of government that was not necessarily compatible with the traditional methods of tribal government. In addition, Congress made the mistake of regarding Indians as a single homogenous group; the model constitution did not take into consideration differing tribal needs and conditions. Despite all of this, the majority of the tribes elected to organize under the IRA. For these tribes, it offered stability, a revival of tribal government, tribal law and order, and an improved economic position.

For the remainder of the 1930s, Indian tribes experienced a revival. However, the onset of World War II diverted government attention to other problems, and Indian economic well-being once again began to decline.

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CHAPTER SIX

TERMINATION AND RELOCATION

1942 to 1961

The movement toward the dissolution of tribal governments and reservations, often referred to as "termination", began in the late 1930s with criticism of the policies of the IRA. The criticism was of two types: ideological and economic. The assimilations believed that the IRA delayed the absorption of Indians into the dominant white culture, while others maintained that the IRA did not provide tribes with sufficient means to achieve self-determination. Business interests were critical of the new reservation economic development programs because they threatened the loss of the use of Indian land and resources by non-Indians. There were also personal differences between the Commissioner of Indian Affairs and members of Congress during this period. These differences resulted in repeated legislative attacks on the IRA and the BIA.[21]

However, it was America's entrance into World War II that signaled the end of the progress made by tribes as a result of the IRA. The BIA saw its budget increasingly cut and its personnel lost to the war effort. As the federal government focused its attention on the international situation, Indian affairs were largely ignored. In fact, BIA operations were moved out of Washington, D.C., to Chicago for the duration of the war.

With the conclusion of the war, the demand for the rapid assimilation of Indians grew. The friction between the Office of the Commissioner of Indian Affairs and Congress continued. There were legislative attempts to repeal the IRA. When these attempts failed, the budget of the BIA was cut, thus hampering the Bureau's ability to maintain IRA policies and programs. Eventually the assimilationists succeeded in changing the direction of the BIA. The emphasis on tribal development was shelved, and the focus was shifted to the formulation of programs that would result in the eventual withdrawal of the federal government from Indian Affairs.

In 1953, Congress passed House Concurrent Resolution No. 108, which established termination as the formal policy of the federal government. The resolution called for the elimination of all federal benefits and services to certain Indian tribes and the forced dissolution of their governments and reservations. Actual termination was accomplished through the passage of individual congressional acts. Over the next few years, more than 100 tribes lost federal assistance and saw their governments dissolved and their tribal resources liquidated and redistributed to individual members. Other legislative acts applied generally to all tribes. These acts did not specifically terminate tribes but did alter the federal-tribal relationship. For example, responsibility for Indian education was transferred from the federal government to the states and health care responsibilities were transferred from the BIA to the federal Public Health Service.

The most controversial act passed during this period was Public Law 280, which extended state civil and criminal jurisdiction to include Indian country in five states and in other states if those states wished it. Tribal consent to state jurisdiction was not required. Public Law 280, although it did not include taxation, treaty hunting and fishing rights, or general regulatory power, gave states power over Indians and diminished tribal authority. The law was viewed as a compromise between termination and continuation of relative immunity of tribes from state jurisdiction. However, it satisfied no one. Tribes resented the loss of authority and the lack of consent; states resented the inability to tax tribal properties to pay for the additional enforcement expenses. Eventually, Congress passed legislation requiring tribal consent before a state could assume jurisdiction. This effectively ended any further application of Public Law 280.[22]

The end of World War II also saw the return of many Indian veterans and defense industry workers to their reservations where they found insufficient land resources, negligible industrial development, and few prospects for employment. As a solution, the BIA instituted a relocation program. Indians were offered financial assistance to leave the reservations and seek work in various metropolitan centers. Relocation was viewed as another step in the road to termination and assimilation. Once Indians were relocated, special federal assistance that was available to them on the reservations was ended. Relocation proved very difficult due to the resilience of Indian culture and strength of family ties. Also, the Indians who did relocate received no help in learning to live in an urban environment. The general effect of the program was to create in the cities a population of unemployed Indians who suffered the usual problems of the urban poor coupled with the added trauma of dislocation. The relocation program was eventually abandoned in favor of off-reservation employment programs and the development of alternative employment opportunities on or near reservations.

Generally, the intentions of the supporters of the termination policy were benevolent, but the actual results were tragic. It was hoped that termination would free Indians from BIA domination and entitle them to the same privileges and responsibilities as those given to other United States citizens. For those Indians whose tribes were terminated, the money they received from either the sale of their lands or the liquidation of tribal resources was quickly dissipated. Indian lands passed rapidly from Indian ownership to non-Indian ownership. Tribes were plunged into even deeper economic problems than they had previously endured. While the percentage of tribes that were actually terminated was small, the threat of termination cast a pall over the futures of most tribes. Today, the threat is much diminished but still exists because the policy of termination has never been formally disavowed by Congress.

CHAPTER SEVEN

SELF-DETERMINATION

1961 to the Present

The growing concern for civil rights in the late 1950s and early 1960s was reflected in the changing attitudes toward Indian affairs. The evolution of federal Indian policy mirrored the growing national awareness of the plight of ethnic minorities and the support of a sizeable part of the public for reform causes. By the late 1950s, there was waning congressional support for termination and withdrawal of federal services, so the policy of termination was abandoned. Consequently, the federal government gradually returned to the basic philosophies of the Indian reorganization period: reaffirmation of the status of tribes as permanent, self-governing institutions and the continuing importance of the trust relationship between the federal government and the tribes.

The new federal Indian policy that evolved during this period was described as self-determination. This policy of self-determination was formally enunciated in President Richard Nixon's Special Message to Congress on July 8, 1970. The new policy called for Indian control over the planning and implementation of Indian programs, tribal management of tribal affairs with a maximum degree of autonomy, recognition of tribes as the basic governmental units of Indian policy, and promotion of the practical exercise of the inherent sovereign powers possessed by tribes.

In order to implement this new policy, Congress passed numerous laws fostering Indian self-determination and economic development. The Indian Business Development Fund stimulated and increased Indian entrepreneurship and employment through grants to Indians and tribes to establish Indian-owned businesses. The Indian Financing Act of 1974 created a revolving fund to promote Indian economic development. The Indian Self-Determination and Education Assistance Act allowed tribes to administer federal programs on their reservations and also allowed Indian communities to contract to administer BIA schools. The Indian Mineral Development

Act of 1982 allowed tribes to enter into joint-venture agreements with mineral developers. The Indian Tribal Government Tax Status Act of 1982 gave tribes many tax advantages enjoyed by states. The Indian Gaming Regulatory Act encourages tribes to raise revenue and promote economic development through gambling. The tribal Federal Jurisdiction Act permitted Indian tribes access to federal courts for cases in which the United States Attorney had declined to bring an action. This act allowed tribes to take independent steps to protect and assert constitutional, statutory, and treaty rights.

The policy of promoting tribal self-determination has been reaffirmed by every president since Nixon. In addition, presidents have argued that the policy should be pursued in the future, but the future of federal Indian policy is difficult to predict.

CHAPTER EIGHT

THE FUTURE

Current federal Indian policy is based on a model of continuing pluralism and a recognition that tribes are here to stay for the indefinite future. Federal policy has ceased to discriminate against individual Indians and now seeks to strengthen tribes. However, nothing in the history of federal Indian policy justifies confidence in the continuation of the current federal Indian policy of self-determination. Certain groups and individuals oppose tribal assertion of rights and are aggressively seeking to abolish those rights. However, the increasing sophistication of tribal governments and the increasing assertion of treaty and statutory rights by Indian tribes, coupled with growing support for tribal sovereignty from non-Indians, will make changes to the self-determination policy difficult to achieve.

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Companion Piece

Please return to:
Indian Law-Related Education
Curriculum Guide

From Boarding School
to
Self-Determination

FROM BOARDING HOUSE TO SELF DETERMINATION

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The Montana Advisory Council for Indian Education, in cooperation with the Office of Public Instruction, has reprinted this unit to help teachers and students understand the chronology of American Indians and the United States educational system.

This unit was written by Dr. Willard Bill to supplement the curriculum of intermediate and secondary teachers in Washington state. The material is applicable to social studies classes, special events or Indian Studies classes.

Dr. Bill has given his approval to duplicate this unit for distribution to public schools in Montana. We would, therefore, like to thank him for allowing us to use his material. We think that it will be a useful resource for teachers and students.

FROM BOARDING SCHOOLS TO SELF DETERMINATION

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"FROM BOARDING SCHOOLS TO SELF DETERMINATION"

American Indian and Alaskan Native educational systems were broken as a result of an intrusion process. Traditional oral modes of education consisted of training youth by prayer, storytelling, memory skills, and listening. As the intrusion process swept across North America, the traditional educational format of the Native American was interrupted. Tribal education systems were being broken from time of contact (early 1500s) to at least 1871, which marked the end of the treaty-making process between the United States government and Indian tribes. This unit is devoted to establishing the chronology of American Indian and United States educational system.

The Contact Period

Formal education of the American Indian began during the period following initial, sustained contact with European culture in 1492. Numerous studies and reports have viewed this period within a framework of six organizers: a) Mission Period; b) Treaty Period; c) Allotment Period; d) Meriam Report and the New Deal Period; e) Termination Period; and f) 1960s to current. By reviewing these six periods of time, you will be able to understand how the American Indian educational process has been affected by growth and expansion of the United States.

From initial contact in 1492, the intrusion process caused changes in tribal educational formats. American Indians gradually, often abruptly, lost control of their educational institutions. Native American culture has had a constant struggle since to maintain and regain control of their schools.

Missions

For at least 300 years, the Church played a dominant role in the education of the American Indian, beginning with a Jesuit Mission School for Indians (present day Florida) in 1568. And as early as 1617, King James I called upon Anglican clergy to provide funds for educating "children of these barbarians in Virginia." Eventually, an institution of higher learning did develop, known as the College of William and Mary--"a college for the infidels."[1]

The missionary movement, however, increased after the War of 1812. A religious movement of the early 19th century, known as the Great Awakening, stimulated missionary activity in the United States on behalf of the depressed elements in American society. A Congressional committee in 1818 made the following statement:

> In the present state of our country, one of two things seems to be necessary, either that those sons of the forest should be moralized or exterminated. Humanity would rejoice at the former, but shrink with horror at the latter. Put into the hands of their children, the primer and the hoe, and they will naturally, in time, take hold of the plow.[2]

The following year, in 1819, Congress appropriated $10,000 "for the purpose of providing against the further decline of the Indian tribes . . . and for the introducing among them the habits and arts of civilization." This fund became known as the Civilization Fund, and was in the amount of $10,000 annually. The president could draw money upon this fund to hire teachers and maintain schools. These resources were allocated to the missionary church schools because the government had no other mechanism for educating the Indian population.

By 1825, resources were being provided to thirty-eight church schools. However, most of the funds were coming from the churches themselves. Of the $200,000 spent on schools in 1825, roughly seven percent came from the government, six percent from the tribes, and the rest--eighty-seven percent--from the churches. Even as late as the Civil War, the United States was only allocating $10,000 per year from the Civilization Fund for education. Therefore, 19th century American Indian education was primarily a function of mission schools which were investing resources into the educational process.[3] Schools taught in the English language, presenting a problem for both instructors and pupils because students arrived at school speaking their native tongue. Therefore, most of the instruction centered on memorization work which utilized religious instruction with the Bible and Catechism used as textbooks.

Treaty Period

The Treaty Period occurred between 1778 (first treaty signed) to 1871 when the United States negotiated the last treaty. The conclusion of the agreement between the United States and the Delaware Tribe, established the treaty process as the primary legal basis for federal policies in regard to the American Indian. The treaty called for a specific provision for education in the form of a promise by the federal government to provide the tribe with teachers. Today there are at least eighty ratified treaties, negotiated by the federal government with Indian tribes, which provide for educational services. Even those tribes that have treaties which do not contain explicit education provisions, consider themselves entitled to funds for educational programs in return for lands ceded by the tribe or rights-of-way granted for road construction on the reservation.[4]

In 1832, Congress created the position of Commissioner of Indian Affairs. The early commissioners, who were responsible for the education of Indians, perceived the American Indian as barbaric and/or primitive. Their educational policies revolved around controlling and assimilating the Indian. Commissioner L. Lea stated in 1850 that Indians must "resort to agricultural labor or starve." During this period the government began an extensive program in agriculture and manual training, in an attempt to "civilize" the Indian.

During the treaty-making period, both the federal government and Indian tribes reserved certain rights for themselves and gave up something in return. Hence, the term "reservation" came into use. The American Indian tribe ceded over a billion acres of land, and tribes were assured that the federal government would deliver educational services, medical care, and technical and agricultural training. This process ended in 1871, after which time the United States government did not sign into treaties with tribes.

The period following 1871 and continuing through the first quarter of the 20th century was a critical one for the American Indian community. It is this fifty-year span which is generally considered to be the period of time when American Indians lost control of their educational systems. At the end of the 19th century and beginning of the 20th century, the federal government became the dominant agency in educating the American Indian. Typically, Indian treaties called for an obligation by the federal government to provide education to American Indian tribes. The treaty with the Kiowas and Comanches, negotiated in October 1867, read as follows:

> Article 7. In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted . . . and they therefore pledge to compel their children, male and female, between the ages of 6 and 16 years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every 30 children between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished . . . the provisions of this article to continue for not less than 20 years.[5]

Similar provisions were carried out in the Pacific Northwest. Both the Medicine Creek and Point Elliot Treaties, involving a number of Puget Sound Tribes, contained provisions for education.

While the federal government made sweeping commitments to Indian education, Senate appropriations did not increase to cover the cost of treaty obligations. For example, Congress appropriated only $100,000 in 1870 to start providing school facilities. In 1875, there was only one school for all the Kiowas and Comanches, with forty students enrolled out of a school population of about 400. There was little educational assistance for those Indians who did not have treaty obligation. By 1875, the best estimates are that 15% of the total Indian student population was actually in school.

By 1876, Congress began making annual general appropriations for education for American Indian education. The first appropriation was $20,000--a small amount, but it was twice as much as had been offered in 1873. This amount increased to $75,000 in 1885; nearly a million and a half dollars by 1890; and to three million dollars by 1900. These resource were a big part of the Bureau of Indian Affairs budget and they were supplemented by special grants for specific commitments to particular tribes, such as the Kiowas and Comanches. It is estimated that if the federal government had lived up to its treaty obligations, it would have been spending in the neighborhood of two and a half million dollars by 1800 (which was the amount spent in 1900). Therefore, even though the appropriations increased, they were not sufficient to meet all obligations.

Most Congressional appropriations were expended for manual training within a BIA boarding school setting. Manual training was the accepted curriculum for Indian schools and was mentioned in an 1878 circular to agents. It stated in part:

> It is the policy of the Department to combine with the ordinary branches of an English education . . . instruction to the boys . . . in cultivating the farms and gardens; and also in a sufficient knowledge of the use, not only of agricultural implements, but of ordinary mechanical tools . . . . The girls should also be taught all household industrials such as bedmaking, plain cooking, cutting, making and mending garments for both sexes, the work of the dairy, and the proper care of the hours.[6]

The government developed, and used extensively, the off-reservation boarding school beginning with the Carlisle Indian Boarding School in 1878 located in Carlisle, Pennsylvania. Carlisle was an outgrowth of the developmental work in Indian education by General Richard Henry Pratt. General Pratt pursued the boarding school concept first for educational reasons, and second because of his belief that American Indians should be civilized and become part of the dominant society. To achieve this end a form of acculturation known as the "outing system" was employed which placed Indians in non-Indian homes for three years following high school to learn the social graces of non-Indian culture. Government subsidies were made to participating families. Pratt believed that by placing youths outside their community and in a dominant society environment the government was educating American Indians and making them Americans.[7]

Carlisle Boarding School operated until 1917, when it was reopened as a military fort for WWI purposes. Another example of a school that has been in operation for a considerable amount of time is the Chemawa Boarding School, Salem, Oregon, which built a new campus in 1979 and celebrated its one-hundredth anniversary in 1980. Chemawa has voluntary attendance, a 9-12 course offering, and draws students from the Pacific Northwest.

The argument for nineteenth century boarding schools was summed up by a superintendent of Indian schools in 1885 who said:

> The barbarian child of barbarian parents spends possibly six of the twenty-four hours of the day in a schoolroom. Here he is taught the rudiments of the books, varied, perhaps, by fragmentary lessons in the good manners of the superior race to which his teacher belongs. He returns, at the close of the school day, to eat and play and sleep after the savage fashion of the race. In the hours spent in school he has not acquired a distaste for the campfire, nor longing for the food, the home life or the ordinary avocations of the white man . . . . The day school gives to the Indian child useful information, but does not take him away from the barbarous life and put him into the enjoyment of civilized life--does not take him from the tepee into the house and teach him to appreciate, by experiencing them, the comforts of the white man's civilization.[8]

Not all Indians of this period attended the off-reservation boarding school, even though enrollment was promoted by the BIA. In the 1890s about one quarter of the Indian students were attending day schools. It cost about thirty dollars a year to support a child in day school, and $170 a year in a boarding school, plus transportation for those living off the reservation. The relatively low cost of the day school was a reason that the parochial schools continued to receive financial support from the government during this period. American Indians enrolled in parochial schools, saved the government approximately one-third of the amount it would cost to send them to a boarding school. By 1887, about twenty percent of the 14,300 American Indian students were enrolled in parochial schools.

Allotment Period

The Allotment Period began in the 1880s with the passage of the Dawes Severalty Act of 1887. It provided for land allotment to individual Indians as a means of breaking up the tribal structure and giving the Indians an opportunity for more "civilized" life. The result was a diminishing of Indian holdings by ninety-million acres--from 140 million to nearly fifty million acres--resulting in severe social disorganization. The 1887 legislation was an outgrowth of a movement, that began as early as 1850, to extinguish Indian land titles. Fifty-two separate treaties, from 1853 to 1857, provided the United States government with 174 million acres of Indian land. Each succeeding commissioner of Indian Affairs, with the exception of Francis A. Walker in 1870s, favor alloting land to individual Indians.

The Allotment Act, a creation of Senator Henry L. Dawes of Massachusetts, was passed in 1887 with the intent to assimilate the Indians by giving them individual ownership of land, as opposed to the collective land use and possession practiced by most Indian groups. Under the plan, small pieces of tribal land ranging from forty to one hundred and sixty acres were alloted to Indian families or individuals. One provision of the Allotment Act, similar to the Homestead Act, stated Indians, if he/she were adjudged "competent" within twenty-five years, would be given the land to use as he/she saw fit. He would also acquire full citizenship status. The result of this allotment policy was that individual Indians were able to get the land individually in less than twenty-five years. This action was expedited by the passage of the Burke Act of 1906 which allowed them to acquire ownership at once. Then Indians would often sell their land to non-Indians who had the financial means and business abilities to develop the land.

As the new landowners sold or rented individual parcels of land, it tended to increase their dependence on the federal government. American Indians frequently lost their land because they did not charge sufficient rent to maintain it, or they sold their property and exhausted funds from the sale. As Indian owners lost their land, they once again had to turn to the federal government for assistance. The transition from a tribal system to an individual use of the land caused Indians to become further dependent on the United States and the Department of the Interior.

Meriam Report

This section of this unit focuses on the 1928 Meriam Report and the New Deal Period of the 1930s. The Meriam Report was a survey of social and economic conditions of the American Indian conducted by the Brookings Institution of Washington, D.C., which was known as the Institute for Governmental Research. The report was conducted by Dr. Louis Meriam, University of Chicago. Two of the major findings of the report were that: a) Indians were excluded from management of their own affairs; and b) Indians were receiving a poor quality of services (especially health and education) from public officials who were supposed to be serving their needs.

The report was extremely critical of the Bureau of Indian Affairs educational system, but it fell short of advocating the closure of the boarding schools. If the BIA had closed the boarding schools in the 1920s, many Indian young people would have been excluded from education, because they lived in rural areas far from public schools. The report did recommend a change in BIA curriculum.

The educational format was attacked particularly by W. Carson Ryun of Swathmore who wrote the reports' educational section. As a man influenced by the progressive education movement of John Dewey, he was extremely critical of the Bureau's program, which could be called anything but forward thinking. First, he stated the boarding school curriculum did not meet the educational needs of the Indian child. The BIA was teaching a standard curriculum known as the Uniform Course of Study. This program was regimented to the extent that all Indian children throughout the United States studied the same section of the curriculum daily. Ryun believed this kind of curriculum was not appropriate to meet students' need in view of the diversity of the languages and cultures of the various American Indian tribes.

Secondly, Ryun attacked the age level of the BIA boarding school children. The Meriam Report recommended that the boarding school be reserved for older children and the pre-adolescent children should be eliminated from the boarding school. The proper atmosphere or environment should be a school located in the Indian children's community and near their home. A community school concept in the form of a day school for the youngster that would function as a community center, and serve the entire Indian culture, rather than just the school-age youngsters. Under this plan, the children would not go to boarding school until they were old enough to learn a trade; and following this training, they would seek employment.

Another area of criticism was that the vocational training was outmoded and not realistic to meet the needs of the world of work. Trades studied in the curriculum were vanishing in the workplace, and they were not taught at a sufficient skill level to enable the student to gain employment. Even if the training had been adequate, it was not preparing the student for a job located on or near reservations. Training did not encourage the student to return to the reservation where his/her skills and human resources could be used to the benefit of the tribe.

The Meriam Report became an indictment of assimilationist policies which had existed for at least fifty years within the Bureau of Indian Affairs school system prior to 1928. The report stated that the purpose of the Bureau of Indian Affairs should be to educate Indian youths to function in both worlds--the white world and the Indian world. The primary task of the Bureau should have been the education of, and not the assimilation or socialization of, the Indian child. The Meriam Report became the definitive Indian education study of the first half of the 20th century, and it was an indictment of the fifty years of federal domination in educating American Indians via the BIA.

Charles J. Rhoads became the first Indian commissioner to base operations upon the Meriam Report recommendations. Rhoads was appointed Commissioner in 1929 by President Hoover, and seemed well-equipped to work within the framework of the Meriam Report recommendations. He was a wealthy Quaker who had a concern for the American Indian and was President of the Indian Rights Association, founded in 1882. He was supported politically by the Secretary of the Interior. The New York Times also provided support when it stated that it was time to reorganize the Bureau which "had obsolete traditions, methods, and standards and its obfuscated Washington officials." Rhoads meant to provide reforms, but the fall of the stock market and the resultant depression worked against increases in appropriations for American Indian education. Rhoads provided a transition from the pre-Meriam Report policies to the progressive administration (1933-45) of John Collier. During his term between 1928 and 1933, the off reservation boarding schools decreased from seventy-seven to sixty-five, but the schools' population increased because of economic necessities of Indian families, brought on by the depression.

With the 1932 election of Franklin Delano Roosevelt as President of the United States, an important decision was to be made as to selecting the Bureau of Indian Affairs Commissioner. If the person selected was not in agreement with the recommended Meriam Report reforms, and the initial work carried on by Rhoads, Indian education could have been set back many years. When the Roosevelt victory was announced, a number of concerned people, including John Collier, sent a petition to the president with over six hundred signatures including educators, clergy, physicians, social workers, and others. They stated: "So great is the Indian distress in many tribes, and so rapid is the shrinkage of Indian property held in trust by the government, that we do not believe that we are exaggerating when we suggest that your administration represents almost a last chance for the Indians."[9]

John Collier was selected to be commissioner of Indian Affairs, which served to advance the cause of Indian education in America. Collier had support for his innovative educational plans from the Secretary of the Interior, Harold Ickes. As Commissioner of Indian Affairs, John Collier was able to carry out recommendations made in the Meriam Report; and he tried to bring the educators within the Bureau of Indian Affairs to a culturally-relevant and realistic approach to American Indian education. In 1936, he appointed Willard Beatty BIA Director of Education. Beatty carried out many reforms, and his educational influence persisted from 1936 to 1952. Beatty was instrumental in establishing a link between schools and students' homes. Initially, he attempted to introduce Indian culture into the boarding school curriculum, although he had a very difficult time getting it accepted by local schools.

The Bureau of Indian Affairs used a definition of "culture" developed by Edward Sapir (professor of Anthropology and Linguistics at Yale from 1931 to 1939). He stated that "genuine culture is . . . the expression of a richly varied and yet somehow unified and consistent attitude toward life, an attitude which sees the significance of any one element of civilization in its relation to all others."[10] The Bureau broke Sapir's definition of culture into components--history, customs and tradition, religion, art, language, philosophy, society structure and regulations and a system of values. Only three of these--language, art, and history--were eventually introduced into the Bureau schools.

A reform in bilingual education illustrated the difficulty of implementing instructional innovation within the Bureau of Indian Affairs schools. First, there was hostility within the Bureau toward Native American languages. Prior to the Meriam Report, not only was English used as the only language of instruction, but Indian children were forbidden to use their own native languages at the Bureau of Indian Affairs schools. Violators of this rule were physically punished and in all cases discouraged from using their native language. In the words of Commissioner J.D.C. Atkins, "if the language was good enough for a white man or a black man, it ought to be good enough for a red man."[11]

This negative attitude toward Native American languages carried over to the Collier administration; and even though the official policy changed, the actions of the Bureau personnel did not. Bureau teachers and administrators, who had been with the agency, continued to treat Indian languages in a negative manner. Reluctant employees made implementation of bilingual innovations very difficult.

A second problem was the lack of competent instructors to teach bilingual education. Many of the teachers, hired prior to Collier, were poorly trained, knew little about Indian culture, and had no language training. Teacher standards were raised under Commissioner Rhoads, but personnel available to John Collier were not adequately trained in Native American languages to provide instruction. Teachers were hired on the basis of passing Civil Service examinations and were sent off to teach in the boarding schools, even though they may never have seen an Indian person in their lives.

A third curricular problem was the scarcity of American Indian and Alaskan Native bilingual books. Books typically contained little information about the Native American, and were written in English. Willard Beatty, Director of Education, addressed this problem by producing bilingual materials at Haskill Institute. Lack of bilingual instructional materials continued to be a problem during the John Collier administration.

Legislation

The foregoing section discussed problems which prevented innovative, creative curriculum development for the American Indian student. Despite the administration of two consecutive commissioners of Indian Affairs who were sympathetic to the Indian cause, the economic distress of the country and Bureau of Indian Affairs personnel attitudes hindered creative innovations within the Department of Interior. One key legislative statute was the Indian Reorganization Act of 1934, which ended the Allotment Period and laid the groundwork for more autonomous tribal government. Referred to as the Wheeler Howard Act, it had a number of important provisions including prohibition of further allotment, establishment of a method for tribal organization, and incorporation. This act has been referred to as the Indian Bill of Rights.

The Johnson-O'Malley (JOM) Act, passed on April 16, 1934, was another important piece of legislation. JOM authorized the Secretary of the Interior to contract with states or territories for the education, medical attention, agricultural assistance, and social welfare of Indians in the state.[12] The legislature expanded the authority of the Secretary of the Interior, allowing him to contract with state or private corporations, agencies or institutions. Funds made available from the Johnson-O'Malley Act were designed to assist in reducing boarding school enrollment and to place Indian students in public schools.

The Johnson-O'Malley legislation recognized that Indians living near or adjacent to non-Indian populations could easily attend local public schools rather than being transported to boarding schools. This provided a mechanism to aid public schools in educating American Indians rather than setting up separate schools. Johnson-O'Malley became a mechanism for the provision of local education rather than in federal off-reservation or on-reservation boarding schools. The Act also facilitated federal and state cooperation by making contracts negotiable at the state level. In 1935, California became the first state to enter into a contract; and by 1940, contracts had been negotiated with the states of Arizona, Minnesota, and Washington.

John Collier and Willard Beatty also introduced another innovation that was particularly needed--American Indian teacher training for Bureau of Indian Affairs teachers. In-service training was extremely popular at the time because it afforded the opportunity to exchange teaching ideas in a setting conducive to learning for the Native American student. Communications during the 1930s had to be conducted by telegraph, letter, or radio, so the idea of meeting in a central location and sharing materials and ideas was popular with the teachers. In-service workshops were conducted at such places as Chemawa, Oregon and Sherman Institute, California. They were popular because of improved interpersonal relations and they became a source of some satisfaction to Beatty, who had recognized the need for staff development in BIA schools.

Prior to becoming Director of Education, Beatty had lengthy talks with anthropologists and Indian Bureau employees to prepare himself. Beatty knew a need existed for improved communication and he had a close relationship with the Progressive Education Association, which allowed him to rely on their wealth of ideas in improving in-service education. Beatty was resisted by the old guard of Bureau employees who felt that educators outside the Bureau had little to offer them in terms of dealing with Indian students. Collier and Beatty were criticized so severely that Homer Howard, who was supervisor of in-service training, had to write letters to the superintendents stressing the importance of these courses for the teachers.

In summary, John Collier's administration was one of tremendous innovation. He started programs in bilingual education, adult basic education, teacher training, Indian culture, and Affirmative Action. He served for twelve years as commissioner; during that time, sixteen boarding schools were closed and eighty-four day schools were opened. He reduced the ratio of Indian students attending boarding schools to those attending day school. Whereas, in 1933, three-fourths of all Indian students were enrolled in boarding schools, by 1943 two-thirds were attending day schools. Many of John Collier's and Willard Beatty's innovations were halted with the entry of the United States into World War II. Political sentiment by the end of World War II began to change the government's attitude towards Indian education.

In the post-World War II era, there was a shift in Beatty's educational program which reflected the rise of a termination movement. Termination stressed eliminating the reservation system and moving Indians to cities. Beatty responded to this idea by encouraging vocational education, which he earlier had discouraged. He believed that vocational training would give skills to Indians, which they could use when they left the reservation and moved to urban centers. The educational reforms that had begun under Collier and Beatty in the 1930s gave way to the termination movement of the late 1940s and early 1950s.

Termination Period

The fifth period is often referred to as the termination period. At the close of World War II there was a movement to revert Bureau policies to a prior era. The U.S. Congress began to use specific language in their deliberations regarding termination. In 1944 a House Select Committee on Indian Affairs offered recommendations for achieving "The final solution of the Indian problem." [13] Once again there was a movement to take Indian children away from their homes and place them in off-reservation boarding schools. The Committee Report stated, "The goal of Indian education should be to make the Indian child a better American, rather than to equip him simply to be a better Indian." [14] By 1948 the Commissioner of Indian Affairs was setting up criteria for determining a tribe's readiness for withdrawing from Federal Services. Dillon Myer became Commissioner in 1950 at a time when the termination policy was well in motion. The termination goal was to have tribes rid themselves of Indian trust land and to terminate federal recognition and services. Indians would leave the reservation and relocate in cities.

The government continued to withdraw services during the 1950s. In 1952 the Bureau of Indian Affairs closed all of its federal schools in Idaho, Michigan, Washington, and Wisconsin. Further loans to Indian students authorized under the Reorganization Act of 1934 were discontinued. The next year a number of boarding schools were closed and Indian students were transferred to public schools. Boarding schools that continued to operate returned to the assimilationist policies of the pre-Meriam Report. Students were educated far from their homes. For example, the Navajo children of Arizona were educated at Chemawa Boarding School in Oregon, and Northwest Indians were sent to such schools at Chilloco and Concho boarding schools in Oklahoma.

Other regressive legislation was passed in the 1950s. House Concurrent Resolution 108 of the Eighty-third Congress in 1953 called for an end to federal services to Indians. Also, a number of Indian bills were introduced between 1953 and 1960 which called for termination. Legislators who introduced these bills included Representative William H. Harrison of Wyoming and Senator Arthur V. Watkins of Utah, who submitted termination resolutions which read, in part:

> It is the policy of Congress as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, and to grant them all the rights and prerogatives pertaining to American Citizenship.[15]

The Menominees of Wisconsin became the first tribe slated for termination by the federal government on June 17, 1954. Menominees had an advanced economic development program in the areas of forest land investment and a sawmill operation. Final termination of the Menominees was completed on April 30, 1961. Other tribes terminated during this period were the Klamaths--western Oregon Indians; four small bands in Utah; the Alabama Cuocoushattas of Texas; the Ponca tribe of Nebraska; the Uintah and Ourayute mixed bloods of Utah; the Wyandottes, Ottawas, and Peorias of Oklahama. Now, these functions were given to the states, which used state court systems. This transfer of law enforcement was another indication that termination was vitally affecting American Indian tribes.

Contemporary Period

The contemporary period includes the decades between 1960 and 1980s. A number of studies, reports, and legislation during the 1960s were related to Indian education and were directed toward improving the American Indian educational system. Among these were: a) the Elementary and Secondary Education Act of April 11, 1965; b) Economic Opportunity Act of 1965; c) the joint study of the Departments of the Interior and Health, Education and Welfare, 1966; d) the Coleman report of 1966; e) formation of the National Indian Education Advisory Committee, 1966; f) Pennsylvania State Research Conference in 1967; g) Senate Subcommittee on Indian Education, 1967; h) Presidential messages of 1968 and 1970; i) Havighurst National Study of Indian Education 1970; j) the Indian Education Act of 1972. All of these factors coupled with the civil rights movement of the 1960s created a need for American Indian/Alaskan Native access to education.

Throughout the 1950s and 1960s American Indian leadership moved to formally reject the idea of termination that was proposed and planned by federal government officials during the 1950s. A January 1961 publication entitled, "Funds for the Republic Study" by the Commission on Rights, Liberties and Responsibilities of the American Indian called attention to the injustices of the termination policies, the paternalistic attitudes of the Bureau of Indian Affairs, and the inadequate services provided Indians. It also called for reorganization of the Bureau's education program and increased Indian involvement in determining programs affecting Indians. These ideas were to dominate Indian education during the 1960s.

The Kennedy Administration (1961-63) responded to the American Indian by conducting its own study directed by the Secretary of the Interior, Stewart Udall. In January 1961, a report was issued which called for new activities in Indian education ranging from increasing scholarship funds to encouraging Indian parent participation in the formulation of school programs. The report went on to further repudiate termination and suggested that economic development on Indian reservations be the basis of a new federal Indian policy. As a consequence, between 1961 and 1966 the Bureau of Indian Affairs shifted policy direction and began programs of economic and community development.

A significant legislative development occurred in 1965 with the passage of the Economic Opportunity Act, which gave Indians the opportunity to participate in, and to control their own programs. For the first time a low-income group in the United States was given funds to administer programs for its own people, and be held accountable for those resources. Other federal programs had significant Indian participation including Headstart, Upward Bound, Job Corps and Vista. The Economic Opportunity Act created the "Community Action Programs," which involved 105 Indian reservations in 17 states by the end of the 1960s. Initiative for a new design of Indian education called the Rough Rock Demonstration School on the Navajo reservation in Arizona was spearheaded by the Office of Economic Opportunity. Rough Rock became a symbol for Indian participation and control, thereby becoming a forerunner of Indian participation in educational decision-making.

The school was established June 27, 1966, and controlled by a five-member Navajo school board. Stanford Dravitz and Dr. Robert Roessel were two of the prime movers behind the school's creation. Dr. Roessel outlined the concepts that were to guide the Rough Rock education process:

> 1) Indians would never give schools their wholehearted moral support until they were involved significantly as adults and given a measure of control. 2) English must be taught as a second language to Indian children, not regarded as something they could learn immediately through mere exposure. 3) The school should be responsible, not only for educating Indian children, but for assisting in the development of local communities, through extensive adult education opportunities and other means. 4) The schools should help transmit to the young the cultures of their parents; tribal elders should be used by the schools, for instance, to teach traditional materials.[16]

Regarding teachers and their pre-service training Dr. Roessell stated the following before the Senate Indian Education Subcommittee:

> It is extremely important for the teachers . . . to understand the culture, language, and the family life of the children they are involved in educating. There are a number of institutions that have developed specific and complete programs, in at least one instance leading to a masters degree, for teachers working with Indian children. This approach must be expanded.[17]

Further in his testimony he spoke for the need to implement required courses in Indian Education. Dr. Roessel's statement is applicable in all parts of the United States.

> I certainly should like to see the day when such states as Arizona and New Mexico, where you have the largest concentration of Indian population in the nation, require teachers who teach Indians to have a certificate which indicates they have had minimal number of courses in Indian education.[18]

Another significant point of the 1960s was the passage of the Elementary and Secondary Education Act of 1965. The law stated in generic terms the goal of improving education of disadvantaged children. Indian communities become involved in this program, and by 1969 approximately nine million dollars were appropriated specifically for Indians in federal schools. The Act made it a national policy and priority that all disadvantaged children in the country would have an effective education. Title I of the Act provided for millions of dollars to be spent on the disadvantaged youth, and in 1966 the Act was amended to include the Bureau of Indian Affairs. In 1968 five million dollars were allocated. Most, if not all, Indian children benefited from this new legislation due to the formula for allocation.[19]

Resources were administered by the United States Office of Education (USOE). The Bureau of Indian Affairs had to apply to the U.S. Office of Education for funds. By 1969, the money was spent as follows: half the funds were allocated for in-service training, teacher aides and pupil personnel services; and the remainder went to curriculum development, enrichments (field trips), language arts, health and food, kindergarten, mathematics, and science.

The era of the 1960s was begun with important legislation, and the decade ended with presidential messages regarding Indian self-determination. In March of 1968, President Johnson proposed a new goal, which ended the old debate about termination of Indian programs, and stressed self-determination. This goal called for the erasing of old attitudes of paternalism and promoting partnership and self-help. The president stated on March 6, 1968:

> I propose a new goal for our Indian programs: a goal that ends the debate about "termination" of Indian programs and stresses self-determination; a goal that erases old attitudes of paternalism and promotes partnership self help.[20]

President Nixon was to follow with some other positive steps subsequent to the administration of President Johnson. Like President Johnson (in 1966 and 1969 Indians were appointed to the office of Commissioner of Indian Affairs), he appointed an Indian as the Commissioner of the Bureau of Indian Affairs. President Nixon also presented a special message to the Congress on July 8, 1970 regarding Indian Affairs. The message reaffirmed the historic relationship between the federal government and the Indian communities. It also called for Indian control of federally-funded Indian programs. The president remarked:

> Because termination is morally and legally unacceptable because it produces bad practical results, and because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups, I am asking the congress to pass a new concurrent resolution which would expressly renounce, repudiate, and repeal the termination policy as expressed in House Concurrent Resolution 108 of the 83rd Congress.[21]

Other recommendations included a new concurrent resolution which would: support voluntary Indian control of Indian programs with the necessary technical assistance from the government to facilitate transfer of responsibilities; restore the sacred lands near Blue Lake to the Indians of the Taos Pueblo; support Indian communities in assuming control of Indian schools, establishing Indian school boards, tribal administration of funds, and tribal contracting for the operation of schools; and promote economic development legislation via the Indian Financing Act of 1970, which would enable Indian leaders to arrange for the development and use of natural resources. The first of these to become law was the restoration of the Blue Lake and 48,000 acres of surrounding land to the Taos Pueblo Indians of New Mexico.

Indian education, despite the new directions and new forward thrust, was found to be a failure nationally. The Subcommittee on Indian Education (of the Committee on Labor and Public Welfare of the United States Senate 91st Congress, First Session, chaired by Robert Kennedy and subsequently chaired by Senator Edward Kennedy) noted the complete failure of Indian education in the Senate Report of 1969. As they carried out their investigation they found low quality school buildings, poor course materials in books, negative attitudes of teachers and administrators, and lack of accessibility to school buildings for Indian communities. These facts led them to call Indian education in America a complete failure. A few of the facts they discovered are mentioned as follows:

> Forty thousand Navajo Indians, nearly a third of the entire tribe, are functional illiterates in English; the average educational level for all Indians under federal supervision was five school years; more than one out of every five Indian men have less than five years of schooling; drop-out rates for Indians were twice the national average; in New Mexico Indian students were walking two miles to take the bus every day and riding 50 miles to school; the average age of top level BIA education administrators was 58 years; in 1953 the BIA began a crash program to improve education for Navajo children. Between then and 1967, supervisory positions in BIA headquarters increased 113%; supervisory positions in BIA schools

> increased 144%; administrative and clerical positions in BIA schools increased 94% (yet teaching positions increased only 20%). In one school in Oklahoma the student body is 100% Indian yet it is controlled by a three-man, non-Indian school board. Only 18% of the students in federal Indian schools go on to college; with the national average 50%. Only 3% of the Indian students enrolled in college graduate; and the national average is 35%. The Bureau of Indian Affairs spent only $18 per year per child on textbooks and supplies, compared to the national average of $40; only one of every hundred Indian college graduates will receive a Masters Degree and despite a Presidential directive of 1967, only one of the 226 BIA schools was governed by an elective school board.[22]

The 1969 Kennedy Report filled seven volumes with testimony by Indian educators and other Indian education experts on the achievement level of Indian education in America. Their conclusions were an indictment of American Indian education in the United States. The Senate used the Meriam Report of 1928 as a benchmark and noted the failure of American Indian education between 1928-1968. This Senate Report was more limited in its objective than the Meriam Report, but it had national impact because Indian leadership had become more politically active since 1950 and they recognized that, in order to change their educational system, they would have to take more control. In the long run, the Kennedy Report may have had more lasting implications for national changes in Indian education than the Meriam Report had.

Another study of this time period should be mentioned. A national study of American Indian education was carried out by Estelle Fuchs and Robert J. Havighurst. This study was done under a contract with the U.S. Office of Education and was completed in 1971. The study was carried out between the years of 1967 and 1971 and was conducted by utilizing eight university centers: the University of Arizona, the University of Chicago, the University of Colorado, the University of Minnesota, North Carolina State University, Oklahoma State University, Pennsylvania State University and San Francisco State College. The research investigated how Indian people perceived education, and to examine relationships between Indian and school communities throughout the United States.

The Havighurst Study noted that by 1970 there was a much clearer government policy on Indian Affairs than there had been in the previous decade. Even though there had been much positive change in the Kennedy Administration in the early 1960s, the Udall Report was conceived as being somewhat ambiguous and sidestepping the termination issue. By the end of 1969, the subsequent Kennedy Report stripped away all pretentions from both public and boarding school systems of their education of the Indian youth; by 1970, issues had clarified at the national level. Other agencies besides the Bureau of Indian Affairs were involved in programs to assist the American Indian, including the Office of Economic Opportunity, United States Office of Education (USOE), the Department of Housing and Urban Development (HUD), the Department of Labor, and the Public Health Service.

Further, the Bureau of Indian Affairs had expanded its services into areas of education, vocational training, housing, and industrial and community development. There had been two speeches (1968/1970) by Presidents Johnson and Nixon indicating the policy of the government would be to further Indian self-determination. The report was written at a time when there was an increasing shift to Indian self-determination in education.

Indian Education Act

In 1972 the Indian Education Act, P.L. 92-318, was passed by the United States Congress with an initial appropriation of $18 million. By fiscal year 1987 the Office of Indian Education had an appropriation of $67 million. This amount was allocated to carry out provisions of the Indian Education Act. These funds were divided between Parts A, B, and C of the legislation.

A major portion of the funds were directed toward Part A, which is allocated to the public school districts.

Part B was entitled, "Special Programs and Projects to Improve Educational Opportunities for Indian Children." This was an amendment to Title Eight of the Elementary and Secondary Education Act of 1965. These funds could be allocated for such things as planning, pilot and demonstration projects providing educational services to Indian children, development of exemplary educational programs, pre-service and in-service training programs, and the dissemination of information materials to the Indian community.

Funds under Part B are discretionary and are allocated to state and local education agencies (LEA's), Indian tribes and organizations, and institutions of higher education.

Fellowships are also granted under Part B for American Indians and Alaskan Natives seeking a professional degree for careers in medicine, law, engineering, forestry, and business. The fellowship program was developed in the 1970s as the main source of graduate funds for Native Americans in the United States. The Bureau of Indian Affairs does not have a similar program.

Adult education programs are awarded from Part C, which makes grants to state and local education agencies and Indian tribes and organizations.

Part D of the legislation created the Office of Indian Education with the administration conducted by the Deputy Commissioner for Indian Education. This position has been administered by Dr. Wm. Demmert and Dr. Gerald Gipp during the 1970s.

Indian Control of Education

Educational innovations which had their impetus in the 1960s found their fruition in the 1970s. Indian communities and Alaskan villages began to develop their own educational programs open to enrollment by native American youth. These schools were few in number at the beginning of the 1970s. The coalition of Indian-controlled school boards had approximately four member schools in the early 1970s, but over 150 members by 1980. This phenomenal growth was the result of several factors.

Throughout the 1960s American Indian and Alaskan Native leadership developed to such an extent that there was a mushrooming expectation that Indian communities could, in fact, realize self-determination.

Indian leaders developed their tribal resources rapidly during the 1970s. Tribal structures became more sophisticated as they used their resources to train their staff, develop the tribal business structure, communicate with national political leadership, and develop long-range plans for tribal self-determination.

Tribal leaders began to transfer the skills gained in resource development to education. In many cases they encouraged their educational leaders to think positively about developing a tribal system which would serve the local community. This idea spread among Indian communities, tribes, and villages. Planning meetings were conducted, surveys administered, and decisions reached to begin the development of school systems to be controlled by American Indians and Alaskan Natives. To the degree that Indian leaders perceived public school systems to be unresponsive, they began to plan for the establishment of tribal schools.

American Indian and Alaskan Native leaders perceived that schools controlled by their community would have a built-in cultural relevance which would strengthen the self-concept of students. After years of struggling to inform elected officials and educators of the unique status of the American Indians they realized that an Indian-controlled school was necessary to provide validity to native culture. The Indian-controlled school, by its very nature of organization, is held accountable to the local Indian leadership.

The teachers and administrators understand their role in enhancing the culture, self-concept, and confidence of Indian youths entrusted to their teaching. With the tribal council or village council in control there is an incentive for the teacher to promote cultural relevance.

Tribal councils and their education committees also realized that they were capable of administering the program even though they had a small student population. The myth that a school system needed a large number of students to have an adequate education program was challenged. Indian educators courageously stepped out to begin instruction, often in cramped quarters, with Indian and Alaskan Native students. The fact that these Indian-controlled schools increased (noted by membership in the Coalition of Indian Controlled School Boards) was evidence that tribal schools were meeting an important need of which Indian tribes had been deprived for the prior one hundred years.

Post-secondary education was included in the educational plans of Indian communities. From 1968 when Navajo Community College was founded, to the present day, Indian communities have developed a variety of schools which are designed to meet educational needs. Schools vary from the Sinte Gleska College at Rosebud, South Dakota, to the Lummi Aquaculture School in Western Washington. They are controlled by the Indian community and provide valuable training to meet the demand for skilled workers in industry, tribal development, social/welfare services, and education. The American Indian Higher Education Consortium emerged as a national organization to facilitate communication between these institutions, develop legislation to provide resources for program operation, and to provide technical assistance to regions of the United States that want to develop Indian-controlled institutions of higher education.

Conclusion

A major conflict between cultures occurred when the federal government attempted to bring American Indians into the mainstream of society following the 1871 conclusion of the treaty-signing period. The boarding school was the primary institution encouraging acculturation of Indian youth due to the schools' adherence to a regime that reflected the military fortifications in which schools were housed. Different conceptions of time and history were taught in boarding schools, and Indian students were confronted with a school culture and curriculum vastly different from their own tribal reality. Students were asked to study history as a progressive development of societies as expressed by the European thought processes rather than a cyclical experience of nature as taught by their elders.

Indian Education Chronology

The following dates and events are listed to highlight events of Indian education. They indicate an increase of Indian control in Indian education which began in the 1960s and continued throughout the 1980s. A significant event in this period was the Economic Opportunity Act of 1964 which, for the first time, granted local communities economic resources for their own management. This concept led the way for local communities to control numerous projects, including education.

1539	Lectures of Francisco de Vitoria at the University of Salamanca, Spain, advocating that Indians were free men and were exempt from slavery. They were to be dealt with through treaties and fair trade.
1619	Virginia Company started the first mission schools which were abandoned in 1622
1803	Three thousand dollars were appropriated to civilize and educate the heathens.
1819	Another appropriation was made to civilize and to educate the Indians. A $10,000 annual appropriation was known as the "civilization fund."
1824	The Bureau of Indian Affairs was established within the War Department.
1831	The Cherokee were forcefully removed from Georgia to Indian territory in Oklahoma. This removal contributed to destroying the educational systems of the Cherokee, Choctaw, Creeks, Chickasaws, and Seminoles.
1849	Gold was discovered in California and the Indian people lost most of their possessions. The Mission Indians in California survived with one-tenth of their former members.
1871	Congress passed legislation ending the treaty-making process. Most treaties contained education provisions for the tribes.
1877	The Board of Indian Commissioners included educational statistics in their annual reports, thus creating a base line for measuring progress of Indian education.
1879	Carlisle Boarding School opens in Carlisle, Pennsylvania.
1880	Chemawa Boarding School opens in Salem, Oregon. This school celebrated its one hundredth birthday in 1980.
1890	Thomas J. Morgan published a code of "Rules for Indian Schools" which indicated that government school was only intended to be a temporary provision to serve Indian students until they could attend white schools. It marked the beginning of the practice of sending certain Indian children to public schools.
1893	Compulsory attendance law passed by Congress for Indians (March 3, 1983, U.S. Stat., Vol. 27, p. 635).
1921	Snyder Act. Placed total responsibility for Indian affairs under the direction of the Secretary of Interior.

1924 The Snyder Act made Indians citizens of the United States.

1928 The Brookings Institution published the Meriam Report which was critical of the Bureau of Indian Affairs school system.

1932 John Collier appointed commissioner of the Bureau of Indian Affairs. He served in this position until 1945.

1933 Indian Emergency Conservation Works (IECW) program, which provided vocational training to Indians. Eighty-five thousand Indians served in the IECW between 1933 and 1942.

1933 The Board of Indian Commissioners was disbanded by executive order.

1934 Johnson-O'Malley legislation passed to provide funds for Indian students to attend schools nearest their home.

1936 Willard Beatty appointed Director of Indian Education in the BIA. He served in this position until 1952.

1952-60 Legislation introduced to terminate the federal trust relationship between the federal government and Indian tribes.

1961 The National Indian Youth Council was organized.

1964 The American Indian Historical Society was founded in San Francisco, California. This organization was composed of Indian scholars, and they set about to develop accurate scholarly works on the American Indian.

The Economic Opportunity Act was passed. It provided for Indian control of federal funds. Among the many projects funded were Headstart, Job Corps, Vista, and Indian community action programs.

1965 Elementary and Secondary Education Act. This act was passed in the initial years of President Johnson's administration. It was to reach all disadvantaged youth in the United States. The Bureau of Indian Affairs was included in the legislation in 1966.

1966 First Indian Teacher Corps projects began at Niabrara, Macy and Winnebag, Nebraska.

Rough Rock Demonstration School opened on the Navajo Nation at Chinle, Arizona, under the control of an elected Navajo Board of Education.

1967 The Bureau of Indian Affairs established the National Indian Education Advisory Committee.

1968 Senator Robert F . Kennedy, Massachusetts Democrat, begins Senate probe into Indian education.

First all-Indian Teacher Corps projects begun in Arizona, Wisconsin, Wyoming, Alaska, Minnesota, Montana, North Dakota, South Dakota, and Washington, with a continuation of the Nebraska projects.

Navajo Community College founded in Tsaile, Arizona.

President Lyndon B. Johnson directs the BIA in March to establish advisory school boards at all federal Indian schools.

1969 BIA implements Project T.R.I.B.E. to yield considerable school control to Indian communities and tribes and issues school board handbook.

The U.S. Senate released the Special Senate Subcommittee Report on Indian education entitled Indian Education: A National Tragedy--A National Challenge. The report concluded that there had not been much progress in Indian education in the previous fifty years, and it prompted the passage of Public Law 92-318, Indian Education Act of 1972 (amended in 1974 and 1978) .

1970 Ramah High School opened at Ramah, New Mexico.

The National Study of Indian Education was conducted by Robert Havighurst and Estelle Fuchs.

The National Indian Education was formed in Minneapolis, Minnesota.

President Nixon announces an era of Indian control over decisions affecting Indians, including the field of education.

Haskell Institute becomes Haskell Indian Junior College at Lawrence, Kansas.

First National convocation of Indian scholars sponsored by the American Indian Historical Society held at Princeton, New Jersey.

1971 Coalition of Indian-Controlled School Boards, Inc., formed in Boulder, Colorado.

American Indian Scholarships, Inc., founded in Albuquerque, New Mexico by Indians to assist Indian graduate students in selected areas of study.

Lakota Higher Education Center established for the Oglala Sioux at Pine Ridge, South Dakota.

Sinte Gleska College Center created for the Rosebud Sioux at Rosebud, South Dakota.

Hehaka Sapa College established for Indian students of many tribes at D-Q University, a joint Mexican-American and Indian institution, at Davis, California.

Southwest Indian Polytechnic Institute administered by the BIA opens in Albuquerque, New Mexico.

1972 Indian Education Act of 1972. U.S. Office of Education in HEW directed to special needs of all Indian students in public schools. Major components included: Part A was allocated to the public school system to serve the educational needs of American Indian and Alaskan Native students; Part B provided for exemplary and demonstration projects with priority given to Indian tribes and organizations; Part C provided funds for adult basic education. A controversial component of this legislation which broadened the definition of "Indian" as historically defined by the Bureau of Indian Affairs. The legislation also provided for the National Advisory Council on Indian Education, which provides program priorities and has overseeing responsibilities.

The American Indian Higher Education Consortium formed in Boulder, Colorado by members of the Boards of Regents of the new Indian community colleges.

Turtle Mountain Community College created at Belcourt, North Dakota for the Montana Chippewa Tribe.

Standing Rock Community College established for the Standing Rock Sioux Tribe at Fort Yates, North Dakota.

1973 National Advisory Council on Indian Education members appointed by President Nixon, under terms of the Indian Education Act of 1972.

American Indian Satellite Community College for the Omaha, Winnebag and Santee Tribes of Nebraska, opens at Norfolk, Nebraska.

1974 Navajo Community College facilities dedicated at Tsaile, Arizona marking completed construction of the first Indian-owned and operated college in North America.

Fort Berthold Community College Center opens at New Town, North Dakota for Mandan, Hidatsa, and Arickara Tribes.

Sisseton-Wahpeton Community College opens at Sisseton, South Dakota.

1975 The Indian Self-Determination and Education Assistance Act.

1977 American Indian Policy Review Commission (P.L. 93-580, 88 stat., 1910-1914).

1978 NACIE supports priority be given to Indian-controlled institutions of higher education.

NACIE supports Indian tribes in the State of Maine in their self-determination efforts.

1979 Chemawa Boarding School builds a new campus.

1980 Chemawa celebrates its 100th birthday.

DEFINE

Intrusion:

Modes:

Oral:

Format:

Alllotment:

Humanity:

Ratified:

Primitive:

Reservation:

Appropriations:

Competent:

Assimilationist:

Statute:

Interpersonal:

Innovative:

Termination:

Regressive:

Concurrent:

Resolution:

Control:

STUDY QUESTIONS

1. Briefly describe the following periods of history as mentioned in this unit.

   Mission Period:

   Treaty Period:

   Allotment Period:

   Meriam Report and New Deal Period:

   Termination Period:

   Contemporary Period:

2. What did these particular legislative acts accomplish?

   1. Indian Reorganization Act:

   2. Johnson-O'Malley Act:

   3. House Concurrent Resolution 108:

3. How has the contemporary period of Indian education differed from the termination era?

4. Describe the Indian Education Act of 1972 and indicate the extent to which it impacted schools in America.

5. To what extent do you believe that American Indians are gaining control of their education?

6. Are Indian tribes in your area developing curriculum about their particular tribe?

7. What are the advantages of American Indians making decisions regarding their own educational future?

FOOTNOTES

1. U.S. Congress, National Advisory Council on Indian Education, "First Annual Report," p. 106.
2. Hagan, William T., "Nineteenth Century Indian Education Programs," Clash of Cultures, p. 98.
3. Same as #2.
4. Schierbeck, Helen M., Misiaszek, Lorraine, and Barlow, Earl, American Indian Policy Review, p. 13.
5. Hagan, Clash of Cultures, page 99.
6. Hagan, Clash of Cultures, page 100.
7. Havighurst, Robert J., and Fuchs, Estelle, To Live on This Earth, p. 224.
8. Same as #6.
9. Szasz, Margaret, Education and the American Indian, p. 38.
10. Szasz, Education and the American Indian, p. 66.
11. Szasz, Education and the American Indian, p. 66.
12. U.S. Congress, "National Advisory Council," p. 134.
13. U.S. Congress, "National Advisory Council," p. 109.
14. U.S. Congress, "National Advisory Council," p. 110.
15. U.S. Congress, "National Advisory Council," p. 260.
16. U.S. Congress, "National Advisory Council," p. 273.
17. U.S. Congress, Senate, The Study of the Education of Indian Children, p. 17.
18. Same as #17.
19. Coombs, Madison L. Educational Disadvantages of the Indian, p. 105.
20. Havighurst, Life on This Earth, p. 318.
21. Havighurst, Life on This Earth, p. 17-18.
22. U.S. Congress, "National Advisory Council," pp. 94-95.

Companion Piece

Please return to:
Indian Law-Related Education
Curriculum Guide

Montana Tribal Constitutions

Assiniboine and Sioux Tribes
# of the
Fort Peck Indian Reservation

CONSTITUTION AND BYLAWS
OF THE
ASSINIBOINE AND SIOUX TRIBES
OF THE
FORT PECK INDIAN RESERVATION
MONTANA

ADOPTED: October 1, 1960
RATIFIED: October 1, 1960
APPROVED: November 30, 1960

ARTICLE I - PREAMBLE AND NAME

We, the adult members of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, in order to establish a recognized and approved tribal organization to handle our reservation affairs and business, to protect the sovereignty and the vested interest in our tribes and members under treaties, agreements, and laws heretofore started, to procure for our tribes and our members and our posterity, social, educational, and industrial assistance, also, to procure assistance in all matters of interest to the tribes, and to preserve peaceful and cooperative relations with the United States Government, its subdivisions, and its offices, to hereby establish this Constitution and By-Laws; with the legal names "The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana." (Where used herein, the "Reservation" refers to the Fort Peck Indian Reservation in Montana; the "tribes" to the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation; the "board" to the Tribal Executive Board; the "Secretary" to the Tribal Executive Board Secretary;) (General Council refers to an assembly of the qualified Electors of the Tribes).

ARTICLE II - TERRITORY /1

The jurisdiction of the tribes shall extend to the territory within the original confines of the Fort Peck Reservation is defined in the agreement of December 28 and December 31, 1886, confirmed by the Act of May 1, 1888 (25 Stat. Sec. 113, Ch. 212); and to such other lands as may be hereafter added thereto under any laws of the United States, except as otherwise provided by law.

ARTICLE III - MEMBERSHIP /2, 2a, 2b, 2c, 2d, 2e:

Membership of the tribes of the reservation shall consist of those persons who qualify in accordance with an ordinance approved by the tribes in a referendum vote. A membership ordinance shall be submitted to the tribes simultaneously with the submission of this constitution for referendum vote by the tribes.

/1 - Act of May 1, 1888 (25 Stat. 113), see Appendix #1
/2 - Resolution No. 273-64-6 (Adopts Enrollment Ordinance), see Appendix #2
/2a - Enrollment Ordinance No. 1 (Appendix A), see Appendix #2a
/2b - Amended Enrollment Procedure, see Appendix #2b
/2c - Application for Enrollment forms, see Appendix #2c
/2d - Resolution No. 57-65012 (Accepts 1912 & 1916 Census), see Appendix #2d
/2e - Resolution No. 473-68-9 (Cut-off date for Group 4 enrollment), see Appendix #2e

ARTICLE IV - GOVERNING BODY /3 & 3a

SECTION 1: The governing body of the tribes shall be known as the Tribal Executive Board, subject to the powers of the General Council.

A General Council may initiate ordinances or reject within ninety days any enactment of the Executive Board. Upon petition of at least ten percent (10%) of the eligible voters of the tribes, a General Council shall be called by the Chairman at a place within the Fort Peck Reservation designated in the petition; a quorum shall consist of one hundred (100) eligible voters of the Tribes. A stenographic transcript shall be kept of all proceedings of the General Council.

SECTION 2: The Board shall consist of a Chairman, a Vice-Chairman, a Secretary-Accountant, a Sergeant-at-Arms, and twelve (12) Board Members.

SECTION 3: The Chairman, the Vice-Chairman, and Sergeant-at Arms and twelve (12) additional members of the Board shall be elected at large. The Secretary-Accountant shall be appointed from within or without the Board membership.

SECTION 4: The Chairman, the Vice-Chairman, the Sergeant-at-Arms, and Board members shall be elected for a two (2) year term.

SECTION 5: The Secretary-Accountant shall be appointed for a two (2) year term, and if appointed from outside of the elected Board membership, the Secretary-Accountant so appointed shall have no vote in the Executive Board proceedings.

ARTICLE V - NOMINATIONS, ELECTIONS, AND VACANCIES

SECTION 1: Elections shall be by secret ballot. Voting shall be within the respective districts as provided herein, at a place designated within each district by the Board.

SECTION 2: All members of the Assiniboine and Sioux Tribes, as determined by Article III of this Constitution, who are 19 years of age or over, are eligible to vote, provided:/10

(a) Voters residing on the reservation shall be eligible to vote in the district in which they have last resided for a full 60 days immediately preceding the election. The registration of any member for voting at a State or County Election shall be conclusive as establishing his or her place of residence.

(b) Non-resident voters may vote by absentee ballot in the last district of their former affiliation, provided they have registered their intent to vote in that district at least 30 days prior to the election date.

SECTION 3: The first election of the Board under this constitution and bylaws shall be held within one hundred twenty (120) days following its ratification and approval by the Secretary of the Interior under such rules, regulations and ordinances as promulgated by the Tribal Executive Board. Subsequent elections shall be held on the last Saturday in October every two (2) years. In event such day is a holiday, the election shall be held on the first subsequent day that is not a holiday.

SECTION 4: Elected Board members shall take office at the first regular meeting following election. Before entering on duty the newly elected Board members shall file the oath of office certified by a notary public, the following oath: "I do solemnly swear that I shall faithfully execute the duties of my office, defend the Constitution of the United States of America, the State of Montana, and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, so help me God."

3 - Amendment No. 1 (Amends Sec. 1, Art. IV), see Appendix #3
/3a - Original wording of Sec. 1, Art. IV, see Appendix #3a
/10 - Amendment No. 111, Article V - Governing Body - see Appendix No. 10.

SECTION 5: To be eligible for nomination and election to the Board, a person must be:

(a) An eligible voter on the Reservation

(b) A qualified candidate having resided on the Reservation at least sixty (60) days immediately preceding an election, and not having been convicted of a felony for which he or she has not received a pardon.

(c) All questions of residence as referred to in this constitution shall be resolved by the Tribal Executive Board.

SECTION 6: The candidates for Chairman, Vice-Chairman, Sergeant-at-Arms and the twelve (12) additional members of the Executive Board receiving the highest number of cumulative legal votes from all the districts shall be declared elected.

SECTION 7: The Tribal Executive Board shall have the authority to pass ordinances providing for method of elections, and not limiting said power to, but including election announcements, nominations, and fees, registration of voters lists, election officials and their duties, place of voting, certificates of elections, manner of protests and recount, and all election procedures; and as a guide, to follow as near as practicable Chapter 23 of the Revised Codes of Montana, 1947 as amended, and effective at the time: and in case of disputed interpretation, the decisional laws of Montana shall be resorted to, subject to the approval of the Fort Peck Tribal Executive Board. /4, 5, & 5a, 4a, 5b

ARTICLE VI - VACANCIES AND REMOVAL FROM OFFICE

SECTION 1: If a member should die, resign, be removed, or recalled from office, the Executive Board shall declare the position vacant and appoint a qualified member of the tribe, by casting nine (9) votes in favor of the appointment, to fill the vacancy until the next regular or special election. Twenty-five percent (25%) of the tribes eligible voters shall be sufficient to petition for a Special Election to be called within thirty (30) days to fill any vacancies. /6, 6a, 6b

SECTION 2: A Board Member or officer of the board may be removed from office by the Board, after having been given twenty (20) days notice in writing by the Secretary, and a chance to be heard. Causes for removal are:

(a) Permanent change of residence from the reservation.

(b) Conviction in any court of a felony while in office and/or any course of conduct prejudicial to the tribes.

(c) Failure to attend three (3) regular meetings in succession, except that the Tribal Executive Board may approve reasonable grounds for non-attendance.

(d) The Tribal Executive Board shall by duly enacted ordinances establish such procedures and regulations necessary to carry out the intent of this article.

(e) All questions which cannot be resolved by the Tribal Executive Board shall be referred to the Fort Peck General Council.

/4 - Ordinance No. 5 - Election Rules and Procedures
/5 - Ordinance No. 6 - Rules Governing Candidacy for Tribal Offices
/5a - Schedule of events for elections
/6 - Memorandum No. 2-72, dtd Jan. 3, 1972, see Appendix #6
/6a - Memorandum No. 5-72, dtd Jan. 10, 1972, see Appendix #6a
/6b - Memorandum dtd Jan. 25, 1972 from Field Solicitor, see Appendix #6b
/4a - Resolution No. 1891-75-8, dated August 29, 1975
/5b - Resolution No. 1891-75-8, dated August 29, 1975

ARTICLE VII - GOVERNMENTAL POWERS

The Tribal Executive Board shall exercise the following powers subject to any limitations imposed by the Constitution or Statutes of the United States and FORT PECK GENERAL COUNCIL, and subject further to all expressed restrictions upon such powers contained in this Constitution and Bylaws.

SECTION 1: To negotiate with Federal, State and local governments, and others on behalf of the tribes, and consult with representatives of the Department of the Interior on all activities which may affect the tribes.

SECTION 2: To employ legal counsel for the protection of the rights of the tribes.

SECTION 3: To make and enforce ordinances covering the tribes' right to levy taxes and license fees on persons or organizations doing business on the reservation, except that ordinances or regulations affecting non-members trading or residing within the jurisdiction of the tribes shall be subject to the approval of the Secretary of the Interior. /11

SECTION 4: To promote public health, education, security, charity, and such other services as may contribute to the social advancement of the members of the tribes.

SECTION 5: To provide, subject to the review of the Secretary of the Interior, or his authorized representative, for the maintenance of law and order and the administration of justice by establishing tribal courts and police force, and defining the powers and duties of same, and to promulgate criminal and civil codes or ordinances governing the conduct of the members of the tribes and non-member Indians residing within the jurisdiction of the tribes. /7

(a) To prescribe rules of inheritance, except allotted lands.

(b) To provide for and escheat of personal property to the Tribes of resident members who die interstate and without heirs.

(c) To protect and preserve its wildlife and natural resources of the reservation, and to regulate hunting and fishing on the reservation. /8, 8b, 8b

SECTION 6: To exclude from the restricted land of the reservation persons not legally entitled to reside thereon under ordinances subject to the review of the Secretary of the Interior.

SECTION 7: To adopt resolutions regulating procedures of the Tribal Executive Board, its officials and committees in the conduct of Tribal affairs.

SECTION 8: No authority contained in this constitution and bylaws may be delegated by the Tribal Executive Board to tribal officials, district councils, committees, delegates by the Tribal Executive Board to tribal officials, district councils, committees, delegates or associations, to carry out any functions for which this Tribal Executive Board assumes primary responsibility, except by ordinance or resolution duly enacted by the Tribal Executive Board in the legal session, and excepting those specific requirements contained in the bylaws thereof.

SECTION 9: The Tribal Executive Board is hereby authorized to recognize claim councils, district committees, and other organizations open to the membership of the tribes, and to approve such organizations, and to provide financial support, services, or such other assistance as may be required to carry on programs beneficial to the membership of the tribes.

/11 - Ordinance # 74-1 (Tax Ordinance - all persons except Indians)
/7 - Res. 274-64-6 (Adopt Law & Order Code)
/8 - Res. 363-70-6 (Ordinance #1) Fish & Game Management - see Appendix #8
/8a - Ordinance No. 1-54-1 (Selling of Game) see Appendix #8a
/8b - Res. 771-72-12 (Cooperative Agreement w/various states agencies)

ARTICLE VIII - FUTURE POWERS

The tribal Executive Board may exercise future powers as may be granted to it by the membership of the tribes by appropriate amendments to this document.

ARTICLE IX - RESERVE POWERS

Any rights and powers heretofore vested in the Assiniboine and/or Sioux Tribes, but not expressly referred to in this constitution, shall not be abridged, but may be exercised through the adoption of appropriate amendments to this constitution.

ARTICLE X - BUSINESS AND FISCAL AUTHORITIES

The Tribal Executive Board shall exercise the following powers subject to any limitations imposed by the Constitution or Statutes of the United States and subject further to all expressed restrictions upon such powers contained in this constitution and bylaws.

SECTION 1: Not more than seventy percent (70%) of the income of the Tribes in the United States Treasury shall be paid out in per capita payments each year among the enrolled members of the Tribes.

SECTION 2: To administer any funds within the control of the Tribes: to make expenditures from available funds for tribal purposes, including salaries and expenses to tribal officials or employees. All expenditures of tribal funds under control of the Tribal Executive Board shall be authorized in legal session and the amounts so expended shall be a matter of public record.

SECTION 3: The Tribal Executive Board shall prepare annual budget requests for advance to the control of the tribes, such funds as may be deposited to their credit in the United States Treasury, or which may hereafter be appropriated for their use.

SECTION 4: To range, lease, permit or otherwise deal with tribal land, interest in lands or assets under tribal jurisdiction; and to purchase or otherwise acquire lands, or interests in lands within the Fort Peck Indian Reservation, in accordance with law.

SECTION 5: To engage in any business that will further the economic well-being of the members of the tribes, or undertake any programs or projects designed for the economic advancement of the people.

SECTION 6: To borrow money from the Federal Government, or other sources, and to direct the use of such funds for productive purposes, or to loan money thus borrowed to members of the tribes, with the approval of the Secretary of the Interior, or his authorized representative.

SECTION 7: To pledge or assign chattel or future income due or to become due, provided such agreement, pledge, assignment, or extension thereof shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

SECTION 8: To make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this constitution and bylaws, provided that any contract if required by law shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

CONSTITUTION AND BYLAWS
OF THE
ASSINIBOINE AND SIOUX TRIBES
OF THE
FORT PECK INDIAN RESERVATION
MONTANA

NAME: Fort Peck General Council and Tribal Executive Board

ORGANIZATION AUTHORITY:

RATIFIED BY THE TRIBES: October 1, 1960

APPROVED BY THE SECRETARY OF THE INTERIOR: November 30, 1960

AMENDMENTS TO THE CONSTITUTION:

#1 - Section 3, Article IV - Governing Body, approved October 12, 1971

#2 - Section 1, Article IV - Governing Body, approved May 5, 1972

#3 - Section 2, Article IV - Governing Body

BOUNDARIES: As established by the Agreement of December 28 and December 31, 1886, confirmed by the Act of May 1, 1888 (25 Stat. 113)

GOVERNING BODY: A Tribal Executive Board, consisting of Chairman, Vice-Chairman, and Sergeant-at-Arms. The Secretary-Treasurer shall be appointed from within or without the Board membership. Subject to the powers of the General Council.

ELECTIONS: Held on the last Saturday of October every two (2) years.

MEETINGS: (Article XI, Section 1 - GENERAL COUNCIL): Upon receipt of the petition calling for General Council the Chairman shall post notice.
TRIBAL EXECUTIVE BOARD: Regular and Special meetings as established by the Board in accordance with duly enacted resolutions.

REGULAR PLACE OF BUSINESS: Tribal Office, Poplar, Montana

ARTICLE XI - BYLAWS

SECTION 1: GENERAL COUNCIL - Upon receipt of the Petition calling for General Council, the Chairman or in his absence, or failure to act within three (3) days, the Secretary, shall give fifteen (15) days notice of the Time and Place of such General Council by publication in newspapers having general circulation on the Fort Peck Reservation and by posting in three (3) public places in each election district.

SECTION 2: MEETINGS - The Tribal Executive Board shall establish regular and special meeting dates in accordance with duly enacted resolutions. The Secretary shall mail notices of all meetings and shall include date, time, place, and purpose of special meetings at least three (3) days in advance.

SECTION 3: QUORUM - A quorum shall consist of a majority of the voting members of the Tribal Executive Board, and no business shall be conducted at any time a quorum is absent.

SECTION 4: MANNER OF ACTING - The act of a majority of the Tribal Executive Board representatives present at a meeting at which a quorum is present shall constitute the act of the Tribal Executive Board. Acts of the Tribal Executive Board may be by motion duly carried, except that any delegation of authority to act for and on behalf of the Tribal Executive Board shall be by written resolution and shall specify the nature of authority granted and the limitations, if any, imposed, excepting those authorities and responsibilities specifically outlined in these bylaws.

SECTION 5: ACCOUNT

(a) The fiscal year shall begin on the first day of July, and end on the thirtieth day of June of each year.

(b) The Tribal Executives Board shall cause to be installed, maintained, and audited, a complete and detailed accounting system and such safeguards as bonding official and employees responsible for the safety, accuracy, and maintenance of such records and funds.

(c) All checks, drafts, or other order for the payment of Tribal money, notes, or other indebtedness issued in the name of the tribes, shall be signed by such officers, or agents, and in such manner as shall be prescribed by resolution. No tribal funds shall be disbursed except where so ordered by resolution.

SECTION 6: DUTIES OF OFFICERS

DUTIES of CHAIRMAN:

(a) He shall preside at all regular and special meetings.

(b) He shall have general and active management of the affairs of the tribes except that he shall not act on matters binding the Tribal Executive Board until that body has deliberated and decided its course of action.

(c) He shall see that all resolutions and ordinances are carried into effect.

(d) He shall execute all official papers of the tribes when authorized to do so.

(e) He shall exercise general supervision of all other tribal officers and employees and see that their respective duties are performed.

(f) He shall submit a report of operations to the Tribal Executive Board at its regular meeting including all matters within his knowledge which interest of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation may require be brought to its attention.

(g) He shall vote in the case of a tie only.

DUTIES OF VICE-CHAIRMAN:

(a) In the absence of the Chairman, he shall preside. Then so presiding, he shall have all rights, privileges and duties, as set forth above under duties of the Chairman, as well as the responsibility of the Chairman.

DUTIES OF THE SECRETARY:

(a) He shall keep a book of minutes at the principal office of the tribes or at such other place as the Tribal Executive Board may order, of all meetings of the Tribal Executive Board in the manner and in the form prescribed by the Board.

(b) He shall attend to the giving and serving of all notices of the Tribal Executive Board as required by this Constitution.

(c) He shall keep the tribal roll, showing all changes therein as required by this constitution. In addition, he shall keep a current voting list.

(d) He shall attend to all such correspondence as may be assigned to him, and perform all other duties incidental to his office or prescribed by the Tribal Executive Board.

DUTIES OF THE SECRETARY AS ACCOUNTANT:

(a) He shall keep and maintain, open to inspection by the members of the tribes or representatives of the Commissioner of Indian Affairs, at all reasonable times, adequate and correct accounts of the properties and business transactions of the tribes.

(b) He shall have care and custody of the funds and valuables of the tribes, and deposit same in the name of and to the credit of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, with such depositories as the Board may direct.

(c) Disburse the funds of the tribes as may be ordered by the Tribal Executive Board, taking proper signed invoices, vouchers, or other instruments for said disbursements.

(d) Render to the Tribal Executive Board a monthly report and account of all his transactions as Accountant, and an annual financial statement in forms and detail showing the condition of tribal expenditures, receipts and disbursements.

(e) The Tribal Account and all officers and employees whose duties involve the handling of tribal money or other resources, shall be bonded under the terms and conditions established by the Tribal Executive Board and approved by the Superintendent of the Fort Peck Reservation.

DUTIES OF SERGEANT-AT-ARMS:

(a) He shall act as Sergeant-at-Arms at all regular and special meetings and shall enforce all rules and see that peace and order are kept during the sessions of the Board.

(b) He shall perform other duties as assigned by the Tribal Executive Board.

(c) He shall not be a voting member of the Board.

ARTICLE XII - ROBERTS RULES OF ORDER

Roberts Rules of Order as revised shall govern all meetings of the General Council and the Tribal Executive Board except as otherwise provided in this constitution and bylaws.

ARTICLE XIII - MANNER OF REVIEW

SECTION 1: Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior shall within ten (10) days of its enactment be presented to the Superintendent of the Fort Peck Agency who shall within ten (10) days after its receipt by him approve or disapprove it.

SECTION 2: If the Superintendent approves any resolution or ordinance, it shall thereupon become effective, but the Superintendent shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within 90 days of the date of its enactment rescind the resolution or ordinance for any cause by notifying the Fort Peck Tribal Executive Board of his veto.

SECTION 3: If the Superintendent disapproves any resolution or ordinance, he shall within 10 days after its receipt by him advise the Tribal Executive Board in writing of his reasons therefore, and if these reasons appear to the Board insufficient, it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior and if approved by him in writing it shall become effective.

/ARTICLE XIV - REFERENDUM

Upon a petition of at lease twenty-five percent (25%) of the eligible voters of the tribes, or upon request of a majority of the Tribal Executive Board Members, any enacted or proposed enactment of the Tribal Executive Board Shall be submitted to a popular referendum, and the vote of a majority of the qualified voters at that election shall be conclusive. /9

ARTICLE XV - AMENDMENT

This constitution and bylaws may be amended by a majority vote of the qualified voters of the tribes voting at an election called for that purpose by the Tribal Executive Board or General Council or under the provisions of Article XIV of this constitution, provided that no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

ARTICLE XVI - ADOPTION

This revised constitution and bylaws when adopted by a majority vote of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, voting at a special election called by the Tribal Executive Board, shall be submitted to the Secretary of the Interior, and shall be in full force and effect from the date of such approval by the Secretary of the Interior.

/9 - Resolution No. 1043-71-7, see Appendix #9

CERTIFICATE OF ADOPTION

Pursuant to an election called by the Fort Peck Tribal Executive Board, the attached Constitution and Bylaws of the Fort Peck Tribes was submitted for ratification to the members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, and was on October 1, 1960, ratified by a vote of 756 for, and 141 against.

(sgd) Austin Buckles
Chairman, Fort Peck Tribal Executive Board

(sgd) Joseph W. Culbertson
Secretary, Fort Peck Tribal Executive Board

(sgd) Dale M. Baldwin
Supt., Fort Peck Agency

APPROVAL

I, George W. Abbott, Assistant Secretary of the Interior of the United States of America, do hereby approve the attached Constitution and Bylaws of the Fort Peck Tribes of the Fort Peck Indian Reservation, Montana.

APPROVAL RECOMMENDED:

(sgd) Glenn L. Emmons
Commissioner
Bureau of Indian Affairs
November 22, 1960

(sgd) George W. Abbott
Assistant Secretary of the Interior
(SEAL)

Washington, D.C.
Date: November 30, 1960

Fort Belknap Indian Community
# of the
Fort Belknap Indian Reservation

CONSTITUTION AND BYLAWS
OF THE
FORT BELKNAP INDIAN COMMUNITY
OF THE
FORT BELKNAP RESERVATION
OF MONTANA

PREAMBLE

We, the duly enrolled members of the Fort Belknap Reservation in the State of Montana, in order to secure to ourselves and our descendants the management of our own affairs, and to perpetuate this reservation as an abiding place for the members of this Community, do establish this Constitution of the Fort Belknap Indian Community.

ARTICLE I—OBJECTIVES

It shall be the object of the Fort Belknap Indian Community:

(a) To establish and maintain, with the aid of the Federal Government, a form of home rule that shall promote the advancement and welfare of the Indians of the Fort Belknap Reservation.

(b) To establish and enforce such rules as may be necessary to safeguard Indian property for the use of present and future generations.

(c) To obtain for all Indians of this Community, for the present and future generations, lands needed for home and livelihood.

ARTICLE II—TERRITORY

The jurisdiction of the Fort Belknap Indian Community shall extend to all lands now contained within the Fort Belknap Reservation and to any lands that may in the future be added thereto.

ARTICLE III—MEMBERSHIP

SECTION 1. ORIGINAL MEMBERS OF COMMUNITY. Every living person whose name appears on the Allotment Roll of the Fort Belknap Reservation prepared and approved pursuant to the Act of March 3, 1921 (41 Stat. 1355), shall be entitled to membership in the Fort Belknap Indian Community.

SECTION 2. DESCENDANTS OF ALLOTTEES. Each person of one-fourth (1/4) or more Indian blood, regardless of residence, born heretofore or hereafter to any member or descendant of a member of the Community whose name was or is on the Allotment Roll of the Fort Belknap Reservation prepared and approved pursuant to the Act of March 3, 1921 (41 Stat. 1355), shall automatically be entitled to membership in the Community.

SECTION 3. ADOPTION. The Community may by a majority of the votes cast by the members of the Community, adopt as a member of the community any person of one-eighth (1/8) degree or more Indian blood who is a descendant of a member of the Fort Belknap Community and/or an allottee; PROVIDED, That any person to be eligible for adoption must have resided at least three (3) consecutive years upon the Fort Belknap Reservation, and PROVIDED, FURTHER, That such person has not received membership in any other tribe of Indians.

SECTION 4. LOSS OF MEMBERSHIP. In no case shall a member lose his membership other than by personal request in writing to the Community Council or by reason of his having established legal residence in a foreign country.

SECTION 5. DEFINITION. Wherever the term "Indian blood" is used in this Article it shall be determined to mean the blood of either or both the Assiniboine or the Gros Ventre Tribe of the Fort Belknap Reservation.

SECTION 6. CURRENT MEMBERSHIP ROLL. The membership roll of the Fort Belknap Indian Community shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the Community or have established legal resident in a foreign country and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Community Council, and by adding thereto the names of persons who meet the membership requirements and who comply with the procedures for enrollment as members of the Community.

SECTION 7. APPEALS Any person who has been rejected for enrollment as a member of the Community, EXCEPT those rejected under Section 3, shall have the right to appeal within 60 days from the date of written notice of rejection to the Secretary of the Interior from the decision of the Community Council, and the decision of the Secretary of the Interior shall be final.

SECTION 8. RULES OF PROCEDURE. The Community Council shall have the authority to prescribe rules to be followed in compiling a membership roll in accordance with the provisions of this Article, the completed roll to be approved by the Fort Belknap Community Council, and in case of distribution of Community assets, the roll shall be submitted to the Secretary of the Interior for final approval.

ARTICLE IV—ORGANIZATION OF COMMUNITY COUNCIL

SECTION 1. COMPOSITION. The Community Council shall be composed for four (4) members, all of whom shall be chosen every second year by popular vote, a President and Vice President who shall be chosen every four (4) years by popular vote, and a Secretary-Treasurer who shall be appointed in accordance with Section 4 of this Article. Every candidate for elected office shall pay a filing fee of $10.00.

SECTION 2. CREATION OF DISTRICTS: APPORTIONMENT. There shall be created by the Community Council two (2) Gros Ventre and two (2) Assiniboine voting districts on the reservation. The actual enumeration for each district shall be made prior to July 1st of each election year. Representation on the Community Council shall consist of two (2) Gros Ventre and two (2) Assiniboine members, one representative from each tribe residing in each district and having been elected by the members of his or her tribe in that district. The President and Vice President shall be a team of one (1) Gros Ventre and one (1) Assiniboine, elected as a team at-large.

SECTION 3. TENURE. The Gros Ventre and Assiniboine candidates for each district shall be elected for a two (2) year term and may succeed themselves at will. The President and Vice President shall be elected for a four (4) year term and may succeed themselves at will.

SECTION 4. OFFICERS. The officers of the Community Council shall consist of: a President and Vice President who shall be elected at-large, and a Secretary-Treasurer, who shall be appointed by the President and confirmed by majority vote of the district representatives when properly convened, and who shall be an enrolled member of either the Gros Ventre or Assiniboine Tribes, qualified to perform the financial and administrative duties of Secretary-Treasurer as defined by the Community Council. The Secretary-Treasurer of the Community Council, as a non-elected officer, shall not be entitled to vote on matters before the Community Council. Once confirmed, the Secretary-Treasurer shall serve at the pleasure of the President.

ARTICLE V—POWERS OF THE COMMUNITY COUNCIL

SECTION 1. ENUMERATED POWERS. The Council of the Fort Belknap Community shall have the following powers, the exercise of which shall be subject to popular referendum as provided hereafter:

(a) To negotiate with the Federal, State and local governments on behalf of the Community and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Fort Belknap Community.

(b) To employ legal counsel for the protection and advancement of the rights of the Community and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior or his duly authorized representatives, PROVIDED, that no Community lands shall ever be sold or encumbered, but may be leased for any purpose for periods consistent with existing law.

(d) To submit through proper government channels recommendations for the expenditure of Federal funds for tribal support, reimbursable assistance, reservational improvements, health, education, and other necessary activities looking toward the advancement of the members of this Community.

(e) To borrow money from the Federal Government in accordance with the terms of a corporate charter to be issued to the Fort Belknap Indian Community.

(f) To manage the economic affairs of the Community and to appropriate available funds for public purposes.

(g) To assess fees against members of the Community or their property to obtain funds for payment of expenses of the Community Council or for carrying on any project that in the Council's opinion may be beneficial to the Community as a whole, PROVIDED, HOWEVER, That any district, not directly benefited by any project under contemplation, may be a majority vote of the people of the district, exempt itself from such assessment. In case of dispute as to whether a certain district is benefited by a given project, any party may appeal to the Commissioner of Indian Affairs for a final determination.

(h) To exclude from the territory of the Community persons not legally entitled to reside therein under ordinances which shall be subject to review by the Secretary of the Interior.

(i) To establish ordinances, subject to review by the Secretary of the Interior, governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances, in cases that do not fall within the jurisdiction of the Federal Court.

(j) To purchase land of members of the Community for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(k) To prohibit the overgrazing of lands or other depletion of the capital or natural resources of the Community by ordinances which shall be subject to approval by the Secretary of the Interior.

(l) To establish ordinances relating to the assignment, use or transfer of tribal lands within the jurisdiction.

(m) To regulate the inheritance of real and personal property, other than allotted lands, within the territory of the Community.

(n) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the Community.

(o) To regulate the domestic relations of members of the Community.

(p) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.

(q) To make recommendations to the Superintendent or the Commissioner of Indian Affairs or the Secretary of the Interior concerning the appointment and removal of employees assigned to duties on the Fort Belknap Reservation.

(r) To appoint subordinate boards and tribal officials, and to provide for the popular election of subordinate district councils, and to delegate to each boards, councils, or officials or to cooperative associations which are open to all members of the Community any of the foregoing powers, reserving the right to review any action taken by virtue of each delegated power.

(s) To promulgate ordinances, subject to review by the Secretary of the Interior, providing for the assessment and collection of license fees from nonmembers doing business, or obtaining any other special right or privilege within the reservation, including townsites therein.

SECTION 2. MANNER OF REVIEW. Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Community Council of such recision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days after its enactment, he shall advise the Community Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SECTION 3. FUTURE POWERS. The Council of the Fort Belknap Community may exercise, subject to popular referendum, such further powers as may in the future be delegated to the Community by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SECTION 4. RESERVED POWERS. Any rights and powers heretofore vested in the tribes of the Fort Belknap Indian Community but not expressly referred to in this constitution shall not be abridged by this Article but may be exercised by the people of the Fort Belknap Community through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VI—INITIATIVE AND REFERENDUM

Whenever a matter of great importance comes before the Council the councilmen shall, by resolution duly passed, submit the matter to the vote of the people. If they do not so agree to submit the question, any two (2) members of the Council, or one hundred members of the Community, may within thirty (30) days after the vote of the Council, call such a popular referendum, but no councilman shall call more than two (2) referendum elections during any calendar year. When a referendum election has been called, the question to be voted on shall be posted at the voting places for at least ten (10) days prior to the election. The notice shall contain the ordinance or resolution to be voted on with the accompanying words: "Shall the ordinance (or resolution) be approved. Yes ( ). No ( )." The will of the majority of those voting shall be the law, PROVIDED at least one-third of the eligible voters actually vote.

ARTICLE VII—ELECTION

SECTION 1. RIGHT TO VOTE. All members of the Community of either sex, eighteen (18) years of age or over, are entitled to vote at any election when he or she presents himself or herself at any polling place in the voting district wherein the member resides, or in the case of nonresidents, absent or infirm eligible voters, by absentee ballot, which shall be mailed to such voters upon written request. Eligible nonresident members of the Community Council utilizing the duly enacted Election Ordinance during the enumeration process. Each member of the Community shall be entitled to vote for one candidate from their designed tribe for the council seat from their designated district. Each member of the Community shall be entitled to one vote for the President and Vice President, who shall run for office as a team and be elected by all voters at-large.

SECTION 2. TIME OF ELECTIONS. A primary election shall be held in each district. The two (2) candidates for each office in each district receiving the most votes shall progress to a general election in which the candidate receiving the majority of the votes shall be elected and seated. For the offices of President and Vice President, the two (2) teams receiving the most votes at-large shall progress to a general election in which the team receiving the majority of the votes at-large shall be elected and seated. Primary elections for membership on the Community Council shall be held on the first Tuesday of November of the second year, and the general elections shall be held on the first Tuesday in December of the same year. Duly elected Council members shall take office immediately upon certification of the election results.

SECTION 3. MANNER AND PLACE OF ELECTIONS. Elections shall be taken by ballot, and polling places in each district shall be established by the Council. Absentee ballots, including those of nonresidents, shall be counted in the district and with the tribal affiliation to which the voter has been designated in the enumeration process. The Council shall appoint three (3) election judges to serve at each polling place for each election, and the judges shall certify the results of the election.

SECTION 4. NOMINATIONS. Candidates for election to membership on the Community Council shall give public notice of such intention at least thirty (30) days prior to the primary election date and at the same time file with the Secretary-Treasurer of the Council a certificate of such intention including a statement of residency in the district within which he or she wishes to run for office, a statement of tribal affiliation for such office, and an endorsement by five (5) duly qualified electors from the same tribe and same district, other than immediate relatives. Candidates for election to the Presidency and Vice Presidency shall give public notice of such intention at least thirty (30) days prior to the primary election date and at the same time file with the Secretary-Treasurer of the Council a certificate of such intention, including a statement of reservation residency, a statement of affiliation of one (1) member of the team as a Gros Ventre and one (1) as an Assiniboine, and an endorsement of the team by five (5) duly qualified electors from each tribe, other than immediate relatives.

ARTICLE VIII—REMOVAL FROM OFFICE

SECTION 1. FORFEITURE OF OFFICE. Any member of the Community Council who shall be absent from three (3) consecutive regular meetings of the council, unless such absence shall be excused for cause, or who shall be convicted of any offense involving dishonesty, shall automatically forfeit his office.

SECTION 2. IMPEACHMENT. The Council may expel a member for cause by a two-thirds vote, after due notice of charges and allowing an opportunity to be heard.

SECTION 3. VACANCIES. When vacancies on the Council exist more than 270 days before an election to fill Council seats, the President shall issue a writ of election to fill such vacancies. At least thirty (30) days notice of such election shall be given, and if more than two (2) candidates file for a vacancy, the Council may conduct a primary to reduce the number of candidates to two (2) for the position. In the event there occurs a vacancy in the office of President, the Vice President shall assume the office of President and shall then appoint a Vice President from within the tribe of the former President. In the event there occurs a vacancy in the office of Vice President, the President shall appoint a Vice President from within the tribe of the former Vice President.

SECTION 4. RECALL. (a) Any person elected to the Council, including the President and Vice President as a team, shall be subject to recall from that office. In the case of a councilman, recall shall be initiated by a petition signed by no less than forty percent (40%) of the number of votes cast by tribal members in the councilman's district for that position in the last general election preceding the recall petition. In the case of recall of the President and Vice President, recall shall be initiated by a petition signed by no less than forty percent (40%) of the total number of at-large votes cast for the position at the last general election preceding the recall petition.

(b) Every recall petition must contain a general statement of cause, in not more than two hundred (200) words, of the grounds of such demand for recall, and must be filed at the office of the Secretary-Treasurer of the Council. The subject of the recall petition shall immediately be served with a copy of the recall petition and shall have ten (10) days from the date of service to file his/her response to the general statement of cause, in not more than two hundred (200) words, with the Secretary-Treasurer of the Council. Each signatory must add to his or her signature the date of signing, his or her residency and tribal affiliation.

(c) If the subject of the recall offers his or her resignation, it shall be accepted by the Council. If he or she does not resign within ten (10) days after a recall petition is filed, a special recall election shall be ordered and held, not less than twenty (20) nor more than thirty (30) days after such filing, to determine whether the subject should be recalled. On the ballots at said election the reasons set forth in the recall petition together with the subject's response, in no more than two hundred (200) words, shall be printed for review by the voters. The subject shall continue to hold office until the results of the election are officially declared by the Council. The subject shall be recalled in the event that a majority of the voters in the special recall election vote for such recall. Such action to certify the election results shall be taken as soon as possible after the election.

(d) No recall petition shall be circulated against a councilman until he or she has been in office for a period of eight (8) months. Should a recall petition fail, the subject shall not be subjected to further recall action within one (1) year of the special recall election.

ARTICLE IX—AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior, PROVIDED, That at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of the Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the Community.

BYLAWS OF THE
FORT BELKNAP INDIAN COMMUNITY
OF THE
FORT BELKNAP RESERVATION
OF MONTANA

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. PRESIDENT. It shall be the duty of the President to preside at all meetings of the Council and to direct the work of its officers. He shall appoint such standing committees as are provided for in the bylaws and constitution and such temporary committees as the business of the Community may require. He shall issue all necessary writs for regular or special elections, setting dates, place of polling, cause due notices to be posted, and in other ways perform any and all duties devolving upon his office with diligence and dispatch.

SECTION 2. VICE PRESIDENT. The Vice President shall preside at any meeting of the Council from which the President is absent, and in the event of the death of the President or his resignation or removal from office, he shall serve the remainder of the term as President.

SECTION 3. SECRETARY-TREASURER. The Secretary-Treasurer shall conduct the correspondence of the Community Council, shall keep all records, minutes of meetings, roster of members, records as to expenditures and allotments of tribal, gratuitous, or other funds over which the Council has sole charge. He shall keep an accurate record of all members of the Community, prepare necessary resolutions for appropriate actions by the Council; he shall prepare or cause to be prepared by such assistants as are assigned to him by the President, such reports or registers as the President or council may direct. He shall be required to give bond acceptable to the Community and the Commissioner of Indian Affairs.

ARTICLE II—QUALIFICATIONS OF OFFICE

No person shall represent the Community on the Council unless he is a duly enrolled member of the Community who has attained the age of twenty-five (25) years, and who has never been convicted of a major crime.

ARTICLE III—SALARIES

The councilmen shall receive as compensation for their services not to exceed $3.00 per day while in session, and a mileage fee of five cents ($.05) per mile for travel from their home to place of meeting and return. Expenses shall be paid from tribal funds. The Community Council may fix salaries of officers or committeemen.

ARTICLE IV—MEETINGS AND PROCEDURES

SECTION 1. REGULAR MEETINGS. The Community Council shall assemble on the first Monday of every month.

SECTION 2. SPECIAL MEETINGS. A special meeting may be called upon two (2) days notice by the President or by any four (4) members of the Council.

SECTION 3. QUORUM. A majority of the members shall constitute a quorum to do business.

SECTION 4. RULES OF ORDER. The Council may determine the rules of its proceedings and may punish its members for disorderly behavior

SECTION 5. PLACE OF MEETINGS. The official meeting place of the Community Council shall be at the agency headquarters unless otherwise agreed.

SECTION 6. DISQUALIFICATION FOR INTEREST. No member of the Council shall cast a vote on any question in which he may have a personal pecuniary interest.

ARTICLE V—LAND

SECTION 1. ALLOTTED LANDS. Allotted lands, including heirship lands, within the Fort Belknap Reservation shall continue to be held by their present owners as heretofore. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Montana or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Fort Belknap Community. Likewise it is recognized that under existing law the Secretary of the Interior may remove restrictions upon such land, upon application by the Indian owners, whereupon the land will become subject to State taxes and may then be mortgaged or sold to non-Indians. The right of the individual Indian to hold or to lose his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Fort Belknap Community, either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SECTION 2. COMMUNITY LANDS. The unallocated lands of the Fort Belknap Reservation, and all lands which may hereafter be acquired by the Fort Belknap Community, shall be held as Community lands and shall not be allotted to individual Indians but may be assigned to members of the Fort Belknap Community, or leased, or otherwise used by the Community as hereinafter provided.

SECTION 3. LEASING OF COMMUNITY LANDS. Community lands may be leased by the Community Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of Community lands preference shall be given first, to Indian cattle associations, and, secondly, to individual Indians who are members of the Fort Belknap Community. No lease of Community land to a nonmember shall be made by the Community Council unless it shall appear that no Indian cattle association or individual member of the Community is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering Community land may be issued by the Community Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

Free grazing privileges covering not to exceed 30 head of cattle or an equivalent amount of other livestock, may be assigned on Community grazing land by the Community Council, to members of the Community who do not have any grazing land.

SECTION 4. GRANT OF "STANDARD" ASSIGNMENT. In any assignment of Community lands which are now owned by the Community or which may be hereafter acquired for the Community by the United States, or purchased by the Community out of Community funds, preference shall be given to members of the Community who have no allotted lands or previous assignments of Community lands.

Members of the Community, who at the time of allotment on the Fort Belknap Reservation accepted a cash settlement in lieu of allotted lands, are considered as having allotted lands, and no preference will be shown such members by reason of their being landless.

No allotted members of the Community who may hereafter have the restrictions upon his land removed and whose land may hereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The Community Council may if it sees fit, charge a fee not to exceed $25.00 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless members of the Community and shall be known as "standard" assignments.

SECTION 5. TENURE OF STANDARD ASSIGNMENTS. If any member of the Community holding a standard assignment of land shall, for a period of two (2) years fail to use the land so assigned, or shall, after due warning from the proper Community officials, persist in using such land for any unlawful purpose, his assignment may be cancelled by the Community Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this Article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him, by will or written request, shall have a preference in the reassignment of the land, PROVIDED such persons are members of the Fort Belknap Community who would be eligible to receive a "standard" assignment.

SECTION 6. GRANT OF "EXCHANGE" ASSIGNMENTS. Any member of the Community who owns an allotment or any share of heirship land may, with the approval of the Secretary, voluntarily transfer his interest in such land to the Community in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "exchange" assignments.

SECTION 7. LEASING OF EXCHANGE ASSIGNMENTS. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SECTION 8. INHERITANCE OF EXCHANGE ASSIGNMENTS. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Community Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Fort Belknap Community, EXCEPT that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 1,000 acres of grazing land, or other land or interests in land of equal value, either under allotment or under exchange assignment.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 40 acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, EXCEPT that land used for building or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Community Council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this Article.

SECTION 9. INHERITANCE OF IMPROVEMENTS. Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Fort Belknap Community or otherwise disposed of under such regulations as the Community Council shall provide. No permanent improvements shall be moved from the land without the consent of the Community Council.

SECTION 10. EXCHANGE OF ASSIGNMENTS. Both standard and exchange assignments may be exchanged between members of the Fort Belknap Community by common consent in such manner as the Community Council shall designate.

SECTION 11. USE OF UNASSIGNED COMMUNITY LAND. Community land which is not assigned, including Community timber reserves, shall be managed by the Community Council for the benefit of the members of the entire Community, and any cash income derived from such land shall accrue to the benefit of the Community as a whole.

SECTION 12. PURCHASE OF LAND BY COMMUNITY. Available tribal funds may be used to acquire land under the following conditions:

(a) The Fort Belknap Indian Community Council may, in accordance with law, purchase land within the Fort Belknap Reservation or adjacent thereto; and may exchange tribal lands for other lands within the reservation, subject to the approval of the Secretary of the Interior or his duly authorized representative.

(b) The Community may purchase any land from its members who desire to sell to the tribe.

SECTION 13. METHOD OF MAKING ASSIGNMENTS. Applications for assignment shall be filed with the Secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description for the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posted by him in the agency office and in at least three (3) conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the Council. Any member of the Community wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may, if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the Council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the Community.

The Council shall draw up one or more forms for standard and exchange assignments, which forms shall be subject to the approval of the Secretary of the Interior.

ARTICLE VI—ADOPTION

This constitution and bylaws, when ratified by a majority vote of the qualified voters of the Fort Belknap Indian Community voting at a special election called for the purpose by the Secretary of the Interior, PROVIDED, That at least thirty percent (30%) of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to the Secretarial election authorized by the Deputy Commissioner of Indian Affairs on ________________________, the Constitution and Bylaws of the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, was submitted to the qualified voters of the Fort Belknap Indian Community and on ________________________, was duly adopted/rejected by a vote of __________ for, and __________ against, and __________ cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the __________ members entitled to vote cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chairman, Election Board

Election Board Member

Election Board Member

Election Board Member

Date:

APPROVAL

I, ________________________________, Assistant Secretary - Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4, do hereby approve the Constitution and Bylaws of the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana. This Constitution is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Ada E. Deer
Assistant Secretary - Indian Affairs

Washington, D.C.

Date:

AMENDMENT
CONSTITUTION AND BYLAWS OF THE
FORT BELKNAP INDIAN COMMUNITY OF THE FORT BELKNAP RESERVATION
MONTANA

AMENDMENT II

Article III of the Tribal Constitution shall be amended in its entirety as follows:

SECTION 1: ORIGINAL MEMBERS OF THE COMMUNITY - Every living person whose name appears on the allotment roll of the Fort Belknap Reservation pre_____ and approved pursuant to the Act of March 3, 1921 (41 Stat. 1355) shall be entitled to membership in the Fort Belknap Indian Community.

SECTION 2. DESCENDANTS OF ALLOTTEES - Each person of one-fourth (1/4) or more Indian blood, regardless of residence, born heretofore or hereafter to any member or descendant of a member of the Community whose name was or is on the allotment roll o the Fort Belknap Reservation prepared and approved pursuant to the Act of March 21, 1921 (41 Stat. 1355) shall automatically be entitled to membership in the Community.

SECTION 3: ADOPTION - The Community may be a majority of the votes cast by the members of the Community, adopt as a member of the Community any person of one-eighth (1/8) degree or more Indian blood who is a descendant of a member of the Fort Belknap Community and/or an allottee; provided, that any person to be eligible for adoption must have resided at least three (3) consecutive years upon the Fort Belknap Reservation, and provided, further, that such person has not received membership in any other tribe of Indians.

SECTION 4: LOSS OF MEMBERSHIP - In no case will a member lose his membership other than by personal request in writing to the Community Council, or by reason of ris___ having established legal residence in a foreign country.

SECTION 5: DEFINITION - Whenever the term "Indian blood" is used in this article it shall be determined to mean the blood of either or both the Assiniboine or the Gros Ventre Tribe of the Fort Belknap Reservation.

SECTION 6: CURRENT MEMBERSHIP ROLL - The membership roll of the Fort Belknap Indian Community shall be kept current by striking them from the names of persons who have relinquished in writing their membership in the Community or have established legal residence in a foreign country and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Community Council, and by adding thereto the names of persons who meet the membership requirements and who comply with the procedures for enrollment as members of the Community.

SECTION 7: APPEALS - Any person who has been rejected for enrollment as a member of the Community, except those rejected under Section 3, shall have the right to appeal within 60 days from the date of written notice of rejection to the Secretary of the Interior from the decision of the Community Council and the decision of the Secretary of the Interior shall be final.

SECTION 8: RULES OF PROCEDURE - The Community Council shall have the authority to proscribe rules to be followed in compiling a membership roll in accordance with the provisions of this article, the completed roll to be approved by the Fort Belknap Community Council, and in case of distribution of the Community assets, the roll shall be submitted to the Secretary of the Interior for final approval.

APPROVAL

I, Roger Ernst, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 15, 1934. (48 Stat. 984) as amended, do hereby approve the attached Amendment II of the Constitution and bylaws of the Fort Belknap Indian Community of the Fort Belknap Reservation, Montana.

Approval recommended:

s/ Glenn L. Emmons
Commissioner of Indian Affairs

January 19, 1959

/s/ Roger Ernst
Assistant Secretary of the Interior
(Seal)

Washington, D.C.

ARTICLE III - MEMBERSHIP /1a

SECTION 1: MEMBERSHIP OF ALLOTTEES: Every living person whose name appears on the allotment roll of the Fort Belknap Reservation shall be entitled to membership in the Fort Belknap Community, and shall not be deprived of such membership without his consent.

SECTION 2: MEMBERSHIP OF DESCENDANTS: (a) Every child of one-fourth or more Indian blood born heretofore or hereafter to any member of the community who maintains a residence upon the Fort Belknap Reservation at the time of such birth shall automatically be entitled to membership.

(b) Children born heretofore or hereafter to any member of the Fort Belknap Indian Community, regardless of residence, shall be subject to adoption in accordance with Section 3 of this article, upon application by self, parent or guardian. Provided, that such person has not received membership in any other tribe of Indians.

SECTION 3: ADOPTION - The community may, by a majority of the votes cast by the members of the community, adopt as a member of the community any person of one-eighth or more Indian blood who is a descendant of a member of the Fort Belknap Tribes or community, provided that any person adopted into membership must have resided at least three years upon the Fort Belknap Reservation.

SECTION 4: LOSS OF MEMBERSHIP - In no case shall a member lose his membership other than by personal request in writing to the community council, or by reason of his having established residence in a foreign country.

RESOLUTION NO. 69-65

RESOLUTION

WHEREAS, This Corporation is an Indian Chartered Corporation as defined by the Indian Reorganization Act of June 18, 1934, and under its Charter, Constitution and Bylaws as approved by the Secretary of the Interior, has full power and authority to make and perform contracts of every description, not inconsistent with law or the provisions thereof, and

WHEREAS, The Allotment roll of 1921 of the Fort Belknap Reservation constitutes the basic membership roll in the Fort Belknap Community, and

WHEREAS, This allotment roll contains a recording of the degree of Indian blood of persons listed, and

WHEREAS, It is necessary to use an acceptable and official record of blood quantum as the basis for enrollment after the January 19, 1959 constitutional amendment wherein one fourth or more Gros Ventre and/or Assiniboine blood of the Fort Belknap Reservation is required for automatic enrollment to membership or one-eighth Gros Ventre and/or Assiniboine blood to be eligible for adoption into membership of the Fort Belknap Community, now

THEREFORE BE IT RESOLVED, That the Fort Belknap Community Council authorized and accepts the 1921 allotment roll as the official record and basis for compiling a current membership roll, and

BE IT FURTHER RESOLVED, That the blood quantum of no individual whose name is included on the 1921 allotment roll shall be changed without substantial and acceptable proof, but in no instance shall the recorded Gros Ventre and/or Assiniboine blood quantum be reduced, and

BE IT FURTHER RESOLVED, That the Bureau of Indian Affairs staff furnish technical assistance to the Council as available to compile and complete at an early date a membership roll of the Fort Belknap Indian Community.

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 12 members of whom 8 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 6th day of December 1965; and that the foregoing resolution was adopted by the affirmative vote of 7 for; 1 not voting; 0 against, 4 absent; and that the said resolution has not been rescinded in any way.

ATTEST:

THOMAS BELL
President

WALLACE BEAR
Secretary

RECOMMENDATION
Approved___ Disapproved___ Noted X

Harold Robinson, Superintendent

THE FORT BELKNAP INDIAN COMMUNITY
Corporation

FORT BELKNAP AGENCY, HARLEM, MONTANA
Address

RESOLUTION NO. 70-65

RESOLUTION

WHEREAS, This Corporation is an Indian Chartered Corporation as defined under the Indian Reorganization Act of June 18, 1934, and under its Charter, Constitution and Bylaws as approved by the Secretary of the Interior, has full power and authority to prescribe rules to be followed in compiling a membership roll pursuant to Article II, Section 8, and

WHEREAS, The Constitution of the Fort Belknap Community Council prior to 1959 provided for enrollment of every child of one fourth or more Indian blood born heretofore or hereafter to any member of the Community who maintains a residence on the Fort Belknap Reservation at the time of such birth shall automatically be entitled to membership, and

WHEREAS, Prior to January 19, 1959 when the Community's Constitution was amended many individuals qualified for Tribal membership on the basis of total Indian blood and enjoyed all benefits given Tribal members, and

WHEREAS, The Constitution as amended in 1959 defined Indian blood as being Gros Ventre and/or Assiniboine blood of the Fort Belknap Reservation, and

WHEREAS, It was not intended that any prior recognized Tribal/member be removed from tribal membership by the constitutional amendment, and

WHEREAS, The Constitution as amended intended only to remove the residence requirement, now

THEREFORE BE IT RESOLVED, That all individuals who previous to the 1959 Constitutional amendment were recognized and accepted as Tribal members retained their rights as members of the Fort Belknap Indian Community.

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 12 members of whom 8 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 6th day of December 1965; and that the foregoing resolution was adopted by the affirmative vote of 7 for; 1 not voting; 0 against, 4 absent; and that the said resolution has not been rescinded in any way.

ATTEST:

THOMAS BELL
President

WALLACE BEAR
Secretary

RECOMMENDATION
Approved___ Disapproved___ Noted X

Harold Robinson, Superintendent

Received by Superintendent: Dec. 16, 1965

THE FORT BELKNAP INDIAN COMMUNITY
Corporation

FORT BELKNAP AGENCY, HARLEM, MONTANA
Address

AMENDMENT IV
CONSTITUTION AND BYLAWS OF THE FORT BELKNAP INDIAN COMMUNITY OF THE FORT BELKNAP INDIAN RESERVATION, MONTANA

Article IV of the Constitution, Organization of Community Council, shall be amended in its entirety to read as follows:

SECTION 1. COMPOSITION - The Community Council shall be composed of twelve (12) members, six (6) of whom shall be chosen every second year by popular vote. Each candidate for councilman shall pay a filing fee of $10.00.

SECTION 2. APPORTIONMENT - Representation of the Community Council shall consist of six Gros Ventre and six Assiniboine members, who shall be apportioned among the districts according to the population of the members of the two tribes in the respective districts. The actual enumeration shall be made prior to July first of each election year.

SECTION 3. TENURE - At the first election under this amendment, and three (3) Gros Ventre and three (3) Assiniboine members receiving the highest number of total votes shall be elected for a four (4) year term of office, and the three (3) Gros Ventre and three (3) Assiniboine members receiving the next highest number of total votes shall be elected to a two (2) year term of office; thereafter, the members of the Community Council shall be elected to serve for a period of four (4) and may succeed themselves as often as re-elected.

SECTION 4. OFFICERS - The officers of the Community Council shall consist of: President, Vice-President, Secretary-Treasurer, and these officers shall be chosen by the Council when properly convened. Officers shall be elected from the Council Membership.

APPROVAL

I, John A. Carver, Jr. Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934, (48 Stat. 984) as amended, do hereby approve the attached Amendment IV to the Constitution and Bylaws of the Fort Belknap Indian Community of the Fort Belknap Reservation.

APPROVAL RECOMMENDED:
Commissioner of Indian Affairs

Washington D.C.
December 31, 1964

/s/ John A. Carver, Jr.
Assistant Secretary of the Interior
(Seal)

ARTICLE IV - ORGANIZATION OF COMMUNITY COUNCIL

SECTION 1: COMPOSITION - The community council shall be composed of members chosen every second year by popular vote.

SECTION 2: APPORTIONMENT - Representation on the community council shall consist of six Gros Ventre and six Assiniboine members, who shall be apportioned among the districts according to the population of the members of the two tribes in the respective districts. The actual enumeration shall be made prior to July first of each election year.

SECTION 3: OFFICERS - The officers of the community council shall consist of: President, Vice president, secretary-treasurer, and these officers shall be chosen by the council when properly convened. Officers shall be elected from the council membership.

SECTION 4: FIRST ELECTION - The first election of the community council shall be called by the present tribal council as soon as possible after the adoption and approval of this constitution and the members so elected shall serve until January 1, 1938.

RESOLUTION NO. 26-66

RESOLUTION

WHEREAS, The Fort Belknap Indian Community is an Indian Chartered Corporation as defined by the Indian Reorganization Act of June 18,1934, and under its Charter, Constitution and Bylaws as approved by the Secretary of the Interior, has full power and authority to make and perform contracts and agreements of every description not inconsistent with law or the provisions thereof, and

WHEREAS, A division line composed of four districts is needed on the Fort Belknap Reservation for administrative, political and geographic purposes, and

WHEREAS, The zoning lines between Hays, Lodgepole, lower Peoples Creek and River Districts has never had an exact line, now

THEREFORE BE IT RESOLVED, That the lines dividing the reservation into these four districts shall be as follows: (1) The township line between T. 28 N., and T. 29 N., (2) a line beginning at the North Section corner common to sections 2 and 3, T. 28 N., R. 24 E: thence south along the section lines to the South corner common to section 22 and 23, T. 26 N., R. 24 E.: (3) The Range line between R. 24 E. and R. 25 E. in townships 29, 30 and 31 N.,

BE IT FURTHER RESOLVED, That the President and Secretary-Treasurer of the Fort Belknap Indian Community be hereby authorized to sign this resolution and any other papers necessary to complete this transaction.

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Indian Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Indian Community Council is composed of 12 members of whom 10 members, constituting a quorum were present at a meeting thereof, duly and regularly called noticed, convened and held this 6th day of June, 1966; and that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 9 for; 0 against; 1 not voting; 2 absent; and that the said resolution has not been rescinded in any way.

ATTEST:

DORANCE HORSEMAN, PRESIDENT	WALLACE BEAR, SECRETARY-TREASURER
THE FORT BELKNAP INDIAN COMMUNITY	FORT BELKNAP AGENCY, HARLEM, MONTANA
Corporation	Address

Received by Superintendent June 14, 1966

AMENDMENT V
CONSTITUTION AND BYLAWS
OF THE
FORT BELKNAP INDIAN COMMUNITY OF THE
FORT BELKNAP INDIAN RESERVATION: MONTANA

Section 1(c) of Article V of the Constitution, Powers of the Community Council, shall be amended in its entirety to read as follows:

SECTION 1(c): To approve or veto any sole, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized representative, provided that no community lands shall ever be sold or encumbered, but may be leased for any purpose for periods consistent with existing law.

APPROVAL

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted us by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment V to the Constitution and Bylaws of the Fort Belknap, Indian Community of the Fort Belknap Reservation.

Approval Recommended:
Commissioner of Indian Affairs

/s/ John A. Carver. Jr/
Assistant Secretary of the Interior
(SEAL)

Washington, D.C.

December 31. 1964

ARTICLE V - POWERS OF THE COMMUNITY COUNCIL

SECTION 1: ENUMERATED POWERS

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other duly qualified official or agency of the Government, provided that no community lands shall ever be sold, encumbered or leased for a period exceeding ten years, except for governmental purposes.

RESOLUTION NO. 248

RESOLUTION

WHEREAS, this is an Indian Chartered Corporation, and has full power and authority to provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior,

WHEREAS, an ordinance was adopted by the Community Council August 5, 1946, and approved October 24, 1946, by the Secretary of the Interior to provide for the appointment of legal guardians of minor children and incompetents of the Gros Ventre and Assiniboine Tribes on the Fort Belknap Reservation by their respective members of the Community Council.

WHEREAS, Resolution No. 229 was adopted December 1, 1947 to clarify a procedure for the appointment of guardians, assignment of funds to be guardians, belonging to their wards and a provision regarding the sale of land by guardians, and

WHEREAS, Resolution No. 229 was returned by Paul Fickenger, District Director for certain amendments, so therefore

BE IT RESOLVED:
(1) That petition or application for the appointment of legal guardians of minors or mental incompetents may be made by either parent, if living; by the minor child if over the age of 14 years; by the person having the legal custody of said minor or mental incompetent, or by the Superintendent of the Reservation, in writing, addressed to the Guardianship Committee.
(2) Notice of the hearing on such a petition or application shall be given by posting in the regular posting places for a period of 30 days next proceeding the date of hearing, advising all interested parties that they may appear at the hearing and support or oppose the appointment of such guardian.
(3) a. Petitions for the sale of land or interests in land owned by a minor or incompetent, shall be in writing, and shall set forth the reasons for sale; the location and description; the appraised value; and the use proposed to be made of the proceeds. b. In the discretion of the Community, Council, depending upon the facts deducted at the hearing, certain tracts may be designated to be sold; certain tracts may be withheld from sale, and requirement may be made that other tracts be purchased.
(4) In cases where the parent or patents are not appointed guardian because of incompetence, found to exist by the Guardianship Committee, the appointment of the person so appointed guardian must be by a two-thirds vote of the Community Council.
(5) The Guardianship Committee, may in its discretion, upon a proper showing in writing at least two days prior to the regular meeting authorize guardians to request and receive any funds credited to the accounts of their wards, for their use, support and general welfare.
(6) Regular meetings of the Guardianship Committee shall be held in conjunction with regular or special meetings of the Community Council.
(7) Permanent records shall be maintained relating to all proceedings had in all guardianship cases, and should show that all jurisdictional matters have been compiled with.

Upon approval of this ordinance by the Secretary of the Interior it shall be supplemental to Ordinance No. 191, adopted on August 5, 1946, and approved by the Secretary of the Interior on October 24, 1946.

RESOLUTION NO. 218

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Fort Belknap Indian Community of the Fort Belknap Indian Reservation hereby certify that the Fort Belknap Indian Community Council is composed of 12 members of whom 9 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 6th day of July, 1948; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 8 members; and the said resolution has not been rescinded in any way.

ATTEST:

RUFUS WARRIOR, Chairman FRANK OHLERKING, Secretary

THE FORT BELKNAP INDIAN COMMUNITY FORT BELKNAP AGENCY, HARLEM, MONTANA
Tribal Corporation Address

July 16, 1948

RESOLUTION NO. 256

RESOLUTION

WHEREAS, The Fort Belknap Community Council enacted Resolution No. 248, July 6, 1948, providing for the appointment of guardians of minors or mental incompetents and approved by William Zimmerman, Jr., Acting Commissioner of Indian Affairs, August 1948, and

WHEREAS, Mr. Zimmerman suggested in letter dated August 19, 1948, that this resolution or ordinance No. 248 be amended to provide that guardians be required to furnish bond.

THEREFORE BE IT RESOLVED, that resolution No. 248 be amended by adding the following provisions: that all guardians hereafter appointed shall be required to furnish bonds. The minimum amount of bond shall cover one-half of annual to furnish bonds. The minimum amount of bond shall cover one-half of annual income or one-half of cash credit on hand, and or one-half of equivalent of both of their wards.

BE IT FURTHER RESOLVED, that bonds may be either corporate or bonds furnished by individuals. Bonds and Bondsmen to be approved by the Fort Belknap Community Council, in regular or special session, and by the Superintendent.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Fort Belknap Indian Community Council of the Fort Belknap Indian Community of the Fort Belknap Reservation hereby certify that the Fort Belknap Indian Community Council is composed of 12 members of whom 9 constituting a quorum were present at a meeting thereof, __y and regularly called, noticed, convened, and held this 13th day of September, 1948, that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 8 members and that said resolution has not been rescinded in any way.

ATTEST:

RUFUS WARRIOR, PRESIDENT

FRANK OHLERKING, SECRETARY

THE FORT BELKNAP INDIAN COMMUNITY
Corporation

FORT BELKNAP AGENCY, HARLEM, MONTANA
Address

September 23, 1948
J.W. Wellington, Superintendent

AMENDMENT TO CONSTITUTION AND BYLAWS OF THE FORT BELKNAP INDIAN COMMUNITY OF THE FORT BELKNAP RESERVATION OF MONTANA

AMENDMENT I

A new subsection, (s) shall be added to Article V, Section 1 of the Constitution as follows:

> "(s) To promulgate ordinances, subject to review by the Secretary of the Interior, providing for the assessment and collection of license fees from nonmembers doing business or obtaining any other special right or privilege within the reservation, including townsites therein."

CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 2, 1942, by the Assistant Secretary of the Interior, the attached amendment to the Constitution and Bylaws of the Fort Belknap Indian Tribes was submitted for ratification to the qualified voters of the Fort Belknap Indian tribes and was on November 2,1943, ratified by a vote of 147 for and 64 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378).

Clarence Brockie, Chairman
Fort Belknap Community Council

Frank Ohlerking, Secretary-Treasurer
Fort Belknap Community Council

John P. Burke, Acting Superintendent, Fort Belknap Agency

I, Oscar L. Chapman, Assistant Secretary of the Interior, of the United States of America, by virtue of the Authority granted me by the Act of June 18, 1934 (48 Stat. 984) as amended, do hereby approve the attached amendment to the Constitution and Bylaws of the Fort Belknap Indian Community of the Fort Belknap Reservation.

Approval recommended
John Collier, Commissioner

Oscar L. Chapman, Assistant Secretary

Washington, D.C. February 7, 1944

Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation

CONSTITUTION AND BYLAWS
OF THE
NORTHERN CHEYENNE TRIBE
OF THE
NORTHERN CHEYENNE INDIAN RESERVATION

ADOPTED: November 2, 1935
APPROVED: November 23, 1935
AMENDED: April 12, 1960

PREAMBLE /1

We, the members of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation in Montana, in order to establish a more unified tribal organization and to insure and promote the best interests of our society, industry, prosperity, and the general welfare of ourselves and our posterity do hereby establish this Constitution and Bylaws.

ARTICLE I - TERRITORY

The jurisdiction of the Northern Cheyenne Tribe under this Constitution and Bylaws shall extend to the territory within the confines of the Northern Cheyenne Indian Reservation boundaries as established by Executive Order dated November 26, 1884, under the administration of Chester A. Arthur and extended March 19, 1900, under the administration of William McKinley and to such other lands as may be hereafter added thereto by any law of the United States, except as otherwise provided by law. /2 /3

ARTICLE II - MEMBERSHIP

SECTION 1: The membership of the Northern Cheyenne Tribe shall consist of as follows:

(a) All Persons of Northern Cheyenne Indian blood whose names appear on the official census roll as of January 1, 1935, provided that by January 1, 1962, corrections shall be made in said roll by the Tribal Council, subject to approval of the Secretary of the Interior.

(b) Each person of one-half (1/2) or more Northern Cheyenne Indian blood, regardless of residence, born heretofore or hereafter to any member or descendant of a member of the Northern Cheyenne Tribe whose name was or is on the census roll referred to in Section 1 (a) shall automatically be entitled to membership in the Northern Cheyenne Tribe.

(c) All children heretofore born to any member of the Northern Cheyenne Tribe who was a resident of the Northern Cheyenne Indian Reservation at the time of the birth of said children.

/1 - Constitution and Bylaws revised in its entirety in 1960; Original wording of Constitution and Bylaws, see Appendix #1
/2 - Executive orders dated November 26, 1884 and March 19, 1900, see Appendix #2
/3 - Act of June 3, 1926 (44 Stat. 690), see Appendix #3

SECTION 2: /4 The Tribal Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership including adoptions and the loan of membership.

ARTICLE III - GOVERNING BODY

SECTION 1: The governing body of the Northern Cheyenne Tribe under this Constitution and Bylaws shall be a council which shall hereafter be known as "The Tribal Council of the Northern Cheyenne."

SECTION 2: The Tribal Council shall consist of members elected from each of the following districts: Ashland, Birney, Busby, Muddy and Lame Deer in the proportion of one number for each two-hundred (200) population and an additional member for each major fraction thereof. The present Tribal Council shall designate the boundaries of each district named herein prior to the election of the first Tribal Council and the Tribal Council thereafter shall have power to change the boundaries of the districts.

SECTION 3: The officers of the Tribal Council shall be a President who shall be nominated and elected by popular vote as hereinafter provided; a Vice President and a Sergeant-at-Arms elected by the Tribal Council from within its own number; and Secretary and a Treasurer appointed by the Tribal Council from outside its number. The Secretary and the Treasurer shall have no vote. Other officers and committees shall be appointed as provided for in the duties of the President.

SECTION 4: All elections for members of the Tribal Council and for the President shall be held on the first Tuesday in the Month of September of even numbered years. The President shall serve for four (4) and the members of the Tribal Council shall serve for two (2) years.

ARTICLE IV - POWERS OF THE TRIBAL COUNCIL

SECTION 1: Enumerated Powers - The Tribal Council of the Northern Cheyenne shall exercise the following powers, subject to any limitations imposed by the applicable statutes of the United States and subject further to all express restrictions upon such powers contained in this Constitution and the attached Bylaws:

(a) To negotiate with the Federal, State, and local governments, on behalf of the Tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Northern Cheyenne Indian Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the Northern Cheyenne Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or prevent any sale, disposition, lease or encumbrances of tribal lands, interests in lands or other tribal assets, including minerals, gas and oil.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Northern Cheyenne Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To engage in any business that will further the economic well-being of the members of the Tribe and to undertake any economic activity of any nature whatever not inconsistent with law or any of the provisions of this Constitution.

/4 - Ordinance No. 1(67), Procedures Governing Enrollment, see Appendix #4
/4a - Ordinance No. 1(63), Regulating Membership, see Appendix #4a
/4b - Ordinance No. 4(61), Relating to Membership, see Appendix #4b

(f) To administer any funds within the control of the Tribe; to make expenditures from available funds for tribal purposes, including salaries and expenses of tribal officials or employees. All expenditures of tribal funds under control of the Tribal Council shall be by resolution duly approved by a majority of the Tribal Council in legal session and the amounts so exposed shall be a matter of public record at all times.

The Tribal Council, subject to the approval of the Secretary of the Interior, or his authorized representative, shall prepare annual budget requests for the advancement to the control of the Tribe such money as is now or may hereafter be deposited to the credit of the Tribe in the United States Treasury or which may hereafter be appropriated for the use of the Tribe.

(g) To levy taxes or assessments upon members of the Northern Cheyenne Tribe and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation. /5

(h) To exclude from the restricted lands of the Northern Cheyenne Indian Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior. /6

(i) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Northern Cheyenne Tribe and any other person or persons coming within the jurisdiction of the reservation, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers. /10, 11, 12, 13

(j) To purchase, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes, subject to the approval of the Secretary of the Interior.

(k) To protect and preserve the property, wildlife, and natural resources of the Tribe and to regulate the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting non-members of the Tribe shall be subject to review by the Secretary of the Interior. /13

(l) To cultivate and preserve native arts, crafts, culture and Indian ceremonials.

(m) To administer charity and to protect the health and general welfare of the Tribe.

(n) To establish subordinate organizations of members of the Tribe for economic purposes.

(o) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Northern Cheyenne Indian Reservation, subject to review by the Secretary of the Interior, and to consult with the Examiner of Inheritance in all heirship findings before they are submitted to the Secretary of the Interior for determination.

(p) To regulate the domestic relations of members of the Tribe and of nonmembers married into the Tribe.

/5 - Ordinance No. 9(59) & 9-A(59), Imposition, levy and collection of a Tax and for other purposes, see Appendix #5
/6 - Ordinance No. 7(74), Expulsion and Exclusion of Non-members, see Appendix #6
/10 - Ordinance No. 14(74), Provides for the Collection of Indebtedness contracted and payable to Indian Creditors, see Appendix #10
/11 - Ordinance No. 13(74), Pertaining to the Desecration of the Flag of the United States of America, see Appendix #11
/12 - Ordinance No. 1(75), Establishes appleate procedures in No. Cheyenne Court.
/13 - Ordinance No. 2(75), Establish procedure for admission of a Spokesman in Northern Cheyenne Tribal Court.

(q) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior. /7

(r) To adopt resolutions regulating the procedure of the Council, other tribal agencies, and tribal officials of the reservation.

(s) To delegate to subordinate boards or officers or to cooperative associations which are open to all members of the Tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

SECTION 2: FUTURE POWERS - The Tribal Council of the Northern Cheyenne Tribe may exercise such future powers as may in the future be given to the Council by members of the Tribe through the adoption of appropriate Bylaws and Constitutional amendments.

SECTION 3: RESERVED POWERS - Any right and powers heretofore vested in the Northern Cheyenne Tribe but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Northern Cheyenne Tribe through the adoption of appropriate Bylaws and Constitutional amendments.

SECTION 4: MANNER OF REVIEW - Any resolution or ordinance which pursuant to this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation within ten (10) days of enactment by the Tribal Council, and the Superintendent shall, within ten (10) days after receipt, approve or disapprove same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of enactment rescind the said ordinance or resolution for any cause by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten (10) days after its receipt, he shall advise the Tribal Council of his reasons therefore. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may within ninety (90) days from the date of its enactment approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE V - BILL OF RIGHTS

SECTION 1: All members of the Tribe shall be accorded equal opportunities to participate in the economic resources and activities of the Tribe.

SECTION 2: All members of the Tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, and association as guaranteed by the Constitution of the United States.

ARTICLE VI - ELECTIONS

SECTION 1: All members of the Tribe eighteen (18) years of age or over shall have the right to vote at all reservation elections, except when the Federal law requires the voter to be twenty-one (21) years of age or over.

/7 - Ordinance No. 6 (64), Appointment of Guardians, see Appendix #7

/13 - Ordinance No. 6 (73), provides for the registration of all lienhold interests on cattle running or grazing on Northern Cheyenne Lands, see Appendix #13

SECTION 2: All elections (except special elections which may be called by the Tribal Council) shall be held on the first Tuesday in the month of September. The places of voting shall be designated by the Tribal Council.

SECTION 3: (a) The President shall be nominated in the following manner: Each district shall appoint the same number of electors as they have numbers on the Tribal Council and these electors shall nominate one or more candidates for the office of President.

(b) The members of the Tribal Council shall be nominated by the districts in the following manner: Each district shall nominate its candidates for membership in the Tribal Council in such manner as the Tribal Council shall designate.

(c) The list of qualified candidates for President nominated by the electors and the list of qualified candidates for Tribal Council members nominated by the districts shall be submitted to the Secretary of the Tribal Council who shall post the lists of these qualified candidates in the several districts at least three (3) weeks before the date of election.

(d) All nominations and elections shall be held in accordance with ordinances adopted by the Tribal Council. /8, 8A, 8B

ARTICLE VII - REMOVAL FROM OFFICE

SECTION 1: Forfeiture of Office (a) Any officer or councilman found guilty of a felony in any tribal, county, State or Federal Court shall automatically be removed from office and may not stand for election for three (3) years thereafter.

(b) Any officer or councilman found guilty of a misdemeanor involving moral turpitude in any court shall automatically be removed from office, but such member may stand for nomination and re-election. /9

SECTION 2: REMOVAL FROM OFFICE - Any Officer or Councilman who shall fail to perform the duties assigned to him or shall be guilty of gross neglect may be removed by a two-thirds (2/3) vote of the Tribal Council, after affording the accused member a fair opportunity to be heard in his own defense. The decision of the Tribal Council shall be final.

SECTION 3: Any complaint against the President, a member, an officer of the Tribal Council must be in writing and sworn to by the complainant.

SECTION 4: VACANCIES - (a) If the office of President is declared vacant it shall be filled temporarily by the Vice President and the Tribal Council shall within sixty (60) days after the vacancy occurs call for nomination and election of a President to fill the vacancy in the manner as provided in Article VI.

(b) If the office of a member of the Tribal Council becomes vacant the Tribal Council shall, at its first meeting thereafter, call an election within the district in which the vacancy occurs. Such election shall be held within the district in which the vacancy occurs. Such election shall be held within thirty (30) days after the said Council meeting.

ARTICLE VIII - REFERENDUM

SECTION 1: Upon a petition, signed by at least ten (10) percent of the registered voters from each district, a referendum may be demanded on any tribal adoption of a person or the elimination of a person from the tribal roll, or on any proposed or enacted ordinance or resolution of the Tribal Council and the vote of the majority of the qualified voters voting in such referendum shall be conclusive and binding upon the Tribal Council, provided at least thirty (30) percent of the eligible voters shall vote in such referendum.

/8 - Ordinance No. 15 (72), Nomination and Electing Tribal Officers Procedures, see Appendix #8

/9 - Ordinance No. 2 (65), Removal and discharge of members of Committees and Employees, see Appendix #9

/8A - Ordinance No. 3 (75), Amends Section 12 and 13 of Ordinance No. 15 (72)

/8B - Ordinance No. 5 (75), Amends Ordinance No. 3 (75) Clarification file petition for recount

ARTICLE IX - LAND

SECTION 1: ALLOTTED LANDS - Allotted lands, including heirship land, within the Northern Cheyenne Indian Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Northern Cheyenne Tribe. Likewise, it is recognized that under existing law the Secretary of the Interior, may in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land, may with the approval of the Secretary of the Interior, voluntarily convey his land to the Northern Cheyenne Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SECTION 2: TRIBAL LANDS - The unallotted lands of the Northern Cheyenne Indian Reservation and all lands which may hereafter be acquired by the Northern Cheyenne Tribe or by the United States in trust for the Northern Cheyenne Tribe, sold, or ceded. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Northern Cheyenne Tribe, or leased, or otherwise used by the Tribe, as hereinafter provided.

SECTION 3: LEASING OF TRIBAL LAND - (a) Tribal land may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods as permitted by law.

(b) Grazing permits covering tribal lands may be issued by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

SECTION 4: ASSIGNMENTS OF TRIBAL LAND - (a) The Tribal Council may by ordinance approved by the Secretary of the Interior provide for the granting and tenure of assignments of tribal land to members of the Tribe, provided, the rights of all members of the Tribe be not violated.

(b) Any member of the Tribe who owns an allotment or any share of heirship land or patent-in-fee land may voluntarily transfer his interest in such land to the Tribe in exchange for an assignment to the same land or for other land or a proportionate share in a larger grazing unit.

SECTION 5: USE OF UNASSIGNED TRIBAL LAND - Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the Tribal Council subject to the approval of the Secretary of the Interior, for the benefit of the members of the entire Tribe, and any cash income derived from such land shall accrue to the benefit of the Tribe as a whole.

SECTION 6: PURCHASE OF LAND BY TRIBE - The Northern Cheyenne Tribal Council is hereby authorized and empowered to use tribal funds to purchase lands or interests in land for and on behalf of the Northern Cheyenne Tribe under such terms as may be agreed upon provided the purchase is approved by the Secretary of the Interior.

ARTICLE X - AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Tribe, voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of two-thirds (2/3) of the Tribal Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters of the tribe.

ARTICLE I - BYLAWS

SECTION 1: The President may, if he desires, preside over all meetings of the Tribal Council. He shall, with the advise and consent of the Tribal Council, appoint delegates, representatives, committees, or other officers as are deemed proper from time to time. He shall have power to fill all vacancies, not otherwise provided for in this Constitution and Bylaws, that may occur when the Tribal Council is not in session and then he shall submit the names of such appointees at the following session. It shall be his duty to see that all enactments, orders, and resolutions are properly executed. He shall have the further right of conferring with any Federal or State official on any matters that affect the welfare of the Tribe. And he shall also have the further right to confer with the several district councils.

SECTION 2: The Vice President shall act as presiding officer of the Tribal Council whenever the President does not so preside. Whenever the President does not preside, he may delegate any or all of his powers to the Vice President. In the event that the office of the President becomes vacant, the Vice President shall become temporarily President and shall perform the duties and execute the powers of President until the office of President is filled.

SECTION 3: The Tribal Council shall keep a full report of all proceedings of each regular and special meeting of the Tribal Council and shall perform such other duties of like nature as the Council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the President of the Council, to the Superintendent of the Reservation, to the Commissioner of Indian Affairs, and to all recognized District Councils of the Reservation.

SECTION 4: The Tribal Council Treasurer shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council of the Northern Cheyenne. He shall pay out money in accordance with the orders and resolutions of the council. He shall keep accounts of all receipts and disbursements and shall make written reports of ____ to the Tribal Council at each regular and special meeting. He shall be bonded in such an amount as the Council by resolution shall provide, such bond to be approved by the Commissioner of Indian Affairs. The books of the Tribal Council Treasurer shall be subject to inspection or audit by the Direction of the Council or the Commissioner of Indian Affairs.

SECTION 5: The Sergeant-at-Arms shall be present at all regular and extra sessions and shall keep order in such meeting and shall perform such other duties as the Tribal Council may by resolution provide.

ARTICLE II - CERTIFICATIONS

SECTION 1: In order for a person to be eligible for the office of President of the Tribal Council, he must be at least thirty (30) years of age and a member, by blood, of the Northern Cheyenne Tribe.

SECTION 2: Any person elected as a member of the Tribal Council must be at least twenty-one (21) years of age and a member of the Northern Cheyenne Tribe.

ARTICLE III - CERTIFICATION

SECTION 1: The Tribal Council shall appoint an election board which shall certify to the elevation of all members elected and this shall be done within five (5) days after the election.

SECTION 2: I, ____________, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; carry out faithfully and impartially the duties of my office to the best of my abilities; promote and protect the best interests of my Tribe, the Northern Cheyenne, in accordance with this Constitution and Bylaws.

This oath of office shall be administered by a Notary Public or Judge.

ARTICLE IV - SALARIES

SECTION 1: The salaries of the members or other officers of the Tribal Council of the Northern Cheyenne Tribe pay is paid out of available funds within the exclusive control of the Tribal Council or out of any other available tribal funds with the approval of the Secretary of the Interior in accordance with ordinances duly enacted, provided that no Tribal Council shall enact any ordinance increasing the salaries of councilmen during the existing term of office.

ARTICLE V - MEETINGS AND PROCEDURE

SECTION 1: The Tribal Council shall assemble on the first Monday after the 15th of each month.

SECTION 2: A Majority of two-thirds (2/3) of the members of the Tribal Council must be present in order to constitute a quorum to do business.

SECTION 3: Extra sessions may be called by the President or by five (5) members of the Tribal Council in writing to the President and when so called two-thirds (2/3) of the members of the Tribal Council must be present to constitute a quorum, and the Tribal Council shall have power to transact business as in regular meetings.

SECTION 4: The presiding officer in meetings of the Tribal Council shall vote only in the case of a tie.

SECTION 5: Every order, resolution, or vote to which the concurrence of the Tribal Council may be necessary (except on the question of adjournment) shall be presented to the President of the Tribal Council, and before the same shall take effect it shall be approved by him or being disapproved by him may become effective by being repassed by two-thirds (2/3) vote of the Tribal Council.

ARTICLE VI - ADOPTION OF CONSTITUTION AND BYLAWS

SECTION 1: This Constitution and the attached Bylaws when approved by a majority of the adult voters of the Northern Cheyenne Tribe voting in a special election called by the Secretary of the Interior in which at least 30 percent of the eligible voters vote, shall be submitted to the Secretary of the Interior for approval and shall be effective from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 18, 1959, by the Assistant Secretary of the Interior, the attached amended Constitution and Bylaws was submitted for ratification to the members of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, and was on April 12, 1960, ratified by a vote of 273 for and 67 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

(sgd) John Wooden Legs
President, Northern Cheyenne Tribal Council

(sgd) George Hiwalker, Jr.
Secretary, Northern Cheyenne Tribal Council

(sgd) Don Y. Jensen
Supt., Northern Cheyenne Agency

APPROVAL

I, Roger Ernst, Assistant Secretary of the Interior of the United States of America, by virtue of the Authority granted me by the Act of June 18, 1934 (48 State. 984), as amended, do hereby approve the attached amended Constitution and Bylaws of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, as adopted by the Indians of the Northern Cheyenne Indian Reservation, on April 12, 1960.

Approval recommended:

(sgd) H. Rex Lee
Acting Commissioner
Bureau of Indian Affairs

(sgd) Roger Ernst
Assistant Secretary of the Interior
(SEAL)

Washington, D.C.
Date: July 8, 1960

Crow Tribe of the Crow Indian Reservation

CONSTITUTION & BYLAWS
OF THE
CROW TRIBE
OF THE
CROW RESERVATION

NAME: Crow Tribal Council

ORGANIZATION AUTHORITY:

RATIFIED BY THE TRIBE:

APPROVED BY THE SECRETARY OF THE INTERIOR: May 23, 1949

AMENDMENTS TO THE CONSTITUTION AND BYLAWS:

Unnumbered - 12/28/ 6, Article IX added to Constitution
1 - 7/2/59, Adds Section 10 to Article VI to Constitution
Unnumbered - 11/20/86, Article III added to Constitution

BOUNDARIES: Treaty of May 7, 1868 as amended

GOVERNING BODY: Members of the Crow Tribe with a Chairman, Vice Chairman, Secretary and Vice Secretary elected for a two (2) year term.

ELECTIONS: Held second (2nd) Saturday of May every other year.

REGULAR MEETINGS: Second (2nd) Saturday of January, April, July and October and additional meetings as called by the Chairman.

REGULAR PLACE OF BUSINESS: Crow Agency, Montana

CONSTITUTION AND BYLAWS
OF THE
CROW TRIBAL COUNCIL

PREAMBLE

The Crow Tribe of Indians, in an effort to enforce the respect of their basic human, constitutional and treaty rights, do hereby re-establish the Crow Tribal Council to represent, act and speak for the Crow Tribe in any and all tribal matters, and to promote the general welfare of the Crow Tribe, do adopt the following constitution and bylaws for the conduct of Crow Tribal matters in conjunction with the lawful right of the Bureau of Indian Affairs to conduct same.

ARTICLE 1

The Crow Tribal Council shall be composed of the entire membership of the Crow Tribe.

ARTICLE 11 /1, 1A & 1B

The council shall elect every two (2) years, in conformity to its rules procedure, a Chairman, Vice Chairman, Secretary and Vice Secretary. The Chairman shall have no vote unless there be a tie vote before the council. The election for these officers shall be held the second Saturday of May every other year after May 12, then the first election shall be held under this constitutional change. Officials are to assume their duties July 1, after election.

ARTICLE III

Any duly enrolled member of the Crow Tribe shall be entitled to engage in the deliberations and voting in matters before the Tribal Council and in all other tribal and district elections and deliberations provided, however, the enrolled member is 18 years of age or older. /2 & 2a

ARTICLE IV

All nominations for officers of the council and any other tribal matter before the council shall be by voice, standing, hand raising or secret ballot, as the council shall elect at each of its meetings.

ARTICLE V

The Crow Tribe through its tribal council, reserves unto itself the right to remove for cause any officer of the council, for misconduct or negligence or non-diligence in connection with the protection of the rights of the Crow Tribe in its relations with the Bureau of Indian Affairs or the local employees. /22

/1 As amended by Resolution No. 62-11, see Appendix No. 1

/1a Original Constitution and Bylaws, see Appendix No. 1a

/1b Resolution No. 63-20 (Never approved by Commissioner), see Appendix No. 1b

/2 Unnumbered Resolution (Membership), see Appendix No. 2. As amended by Resolution No. 86-52, see Appendix No. 2

/2a Resolution No. 66-17, Provides for appeals for enrollment, see Appendix No. 2a

ARTICLE VI /1

The Powers, Duties, and Functions of the Council:

1. The council shall establish its own rules of procedure. /16 & 17

2. MEETINGS: There shall be regular tribal council meetings held each year on the second Saturday of January, the second Saturday of April, and the second Saturday of July, and the second Saturday of October, and as many additional meetings shall be held as tribal business may require. All meetings shall be called by the Chairman and the Committee.

3. NOTICE OF MEETINGS AND AGENDAS: It shall be the duty of the Secretary, or in his absence, the Vice Secretary of the Crow Tribal Council to give notice of all tribal council meetings of the Crow Tribe in writing for a period of at least seven days prior to each meeting date. Notices shall be posted at one public place in each district of the reservation, and at the Agency headquarters, and where possible, in the local newspapers and by radio broadcast. Notice in addition to the date; time and place of the meeting, shall list in meeting. No business shall be transacted at the meeting unless it has been included in the public notice. Copies of proposed resolutions or other business to be considered shall be furnished to the elected district representative by the tribal Secretary seven (7) days prior to meeting dates.

4. ITEMS OF BUSINESS: Agenda of the tribal council meeting shall include all items required by the (1) tribal Chairman and Committee, (2) Superintendent of the Crow Agency, and (3) any petition duly signed by 100 qualified voters. All requests to the Chairman and Committee for a General Council meeting shall be in writing and shall clearly state the nature of the business to be presented before the general council.

5. If the Commissioner of Indian Affairs desires to present any matter to the council for its action, such request shall be presented in writing to the Chairman or the committee, who shall as herein provided, advertise such request as provided, and set the date for the Council Sessions.

6. Except where otherwise specified in this Constitution and Bylaws, decisions of the council shall be by a simple majority of the vote cast.

7. The council shall perform the duties assigned to it under this Constitution and Bylaws and shall have such powers in addition to those expressly conferred on it thereunder as may be necessary to achieve its effective operation and to realize its objective. /11 & 12

8. All matters presented and coming before the Crow Tribal Council to be voted upon by the members of the Crow Tribe shall be decided and determined by a simple majority vote.

9. There shall be a committee composed of two (2) members from each of the six districts of the Crow Reservation and two (2) members from off-the-reservation Indians, elected for a term of two (2) years, in accordance with the tribal council's rules of procedure, to act as executive committee to work with the officers under the general direction of the Council. The first election of these committee members shall be held within 30 days from and after adoption of this Constitutional amendment, and all subsequent elections to be held the second Saturday of the month of May at 2 year intervals on alternate years from the tribal officials election. Each district shall select its own election judges from within said district whole elections shall be final and conclusive. /3

/1 As amended by resolution No. 62-11, see Appendix No. 1
/3 Resolution No. 62-22 (Rules for Election of Committeemen), see Appendix No. 3
/11 Resolution No. 64-2 (Jurisdiction in Criminal and Civil Actions), see Appendix No. 11
/12 Unnumbered Resolution, (Marriages and Divorces)
/16 Resolution No. 115, Adopts "Roberts Rules of Order," see Appendix No. 16
/17 Resolution No. 105, Establishes Rules of Procedure, see Appendix No. 17

/22 Resolution No. 80-26, Giving 2/3 Vote, see Appendix No. 22

10. The Crow Tribe, through the Crow Tribal Council, shall have the power to levy, assess and collect taxes and license fees upon non-members of the Crow Tribe doing business within the boundaries of the Crow Indian Reservation, subject to review by the Secretary of the Interior. /4

ARTICLE VII

Status and Functions of the Council:

1. The Crow Tribal Council is the voice of the Crow Tribe.

2. The Crow Tribal Council is the medium, the body, the tribal organization through which the Crow Tribe speaks to the governments and the general public.

3. The Council, representing the entire Crow Tribe, shall voice the opinions, wishes, sentiment, hopes and decisions in any and all tribal matters for the Crow people to the Congress and the Interior Department, by resolution and through tribally elected delegates who shall, under instructions of the council, proceed to Washington or elsewhere to present in person such decisions and their own arguments and appeals in support thereof as the council shall direct by majority vote. /20

4. Subject to existing Federal law which endows the Congress with plenary powers over the Indians in their tribal state, and which in turn passes such authorities down the line to the Secretary of the Interior and the Commissioner of Indian Affairs, who by regulations based upon acts of the Congress, control the management of Indian Affairs subject to constitutional limitations. The Crow Tribal Council, without legal status as such, but being the mouthpiece and the voice of the Crow people, will from time to time call to the attention of the Congress its views and wishes with respect to the administration of its rights, property and affairs by the Bureau of Indian Affairs.

5. Because of existing law governing Indian administration by the Congress herein pointed out, the Crow Council admits its limited authority on the administration of its own tribal matters, but also, understanding the constitutional limitations of the government in this same field, the Crow Tribal Council will sponsor all legislation with state, Federal and local governments on behalf of the Crow Tribe, and will, through tribal council regulations and elected delegates and representatives, consult with and other wise deal with representatives of the department of the government of the United States on all matters affecting the interests of the Crow Tribe.

6. The Crow Tribal Council, which encompasses the entire membership of the Crow Tribe, so far as the Crow people are concerned, shall be supreme in determining by a majority vote of those attending, any course of action taken which is designed to protect the Crow tribal interests.

7. The American system of "majority rules" used in the Congress of the United States shall prevail in the decisions of the Crow Tribal Council in regularly called and duly assembled conventions, and its majority decisions shall be conclusive and binding over the losing majority.

/4 Ordinance No. 201 (Imposition, Levy and Collection of a Tax), see Appendix No. 4

/20 Resolution No. 67-25, Provides for appointing a committee to represent the Crow Tribe, see Appendix No. 20

8. The Bureau of Indian Affairs, being a part of the United States Government, shall in no way interfere directly or indirectly through its field representatives or agents with the deliberations or decisions of the Crow Tribal Council. The council, existing under the legal handicaps herein pointed out, belongs to the Crow Tribe only, and not the government, and as such will make its decisions without Indian Bureau interference or advice, inasmuch as the Indian Bureau, under the broad powers in Indian administration conferred upon the Congress and the Indian department by both the Congress and the courts, can and does nullify Indian tribal council actions the country over when same takes issue with its own views. However, the Crow Tribal Council, regardless of same; hereby reserved unto itself the right to initiate moves looking to the protection of the Crow tribal rights and interests under their treaties and under the American constitution guaranteeing all basic human rights to all who live under the American flag; and to the equal protection of the laws of our country.

9. The Crow Tribal Council in a duly called session will decide the manner of voting, whether by districts or in the council itself or whether by secret ballots in the districts or in the council, and on this issue the local Indian Bureau representatives will have no voice whatsoever the council reserves this right unto itself. /15

/15 Resolution No. 113, Provides for manner of voting at all assemblies, see Appendix No. 15

10. Every member of the Crow Tribe, outside of the exception herein provided for, shall have equal opportunities to discuss any and every questions of tribal concern before the council, and to participate, without interference, in all votes taken upon any such questions.

ARTICLE VIII /1

SECTION 1: This constitution and bylaws shall be amended by a majority vote of the qualified voters of the Crow Tribe voting at an election called for that purpose by the tribal council, provided that no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs or his authorized representative.

SECTION 2: All eligible tribal members may vote at such duly called elections. The enactment of rules and procedures for conducting such an election shall be the responsibility of the tribal council. The tribal council shall enact an election ordinance. /5, 6, 7 & 21

AND BE IT FURTHER RESOLVED, that the above listed changes are those which the tribal council wishes to make in the present Crow Tribal Constitution and shall do so regardless of any or all other resolutions or provisions, and if other resolutions or constitutional changes are in conflict with the above stated rules, they shall be henceforth repealed, rescinded and expunged from the records.

ARTICLE IX /8

SECTION 1: The Crow Tribe through the Crow Tribal Council shall have power to establish, own, operate, maintain and engage in any business or business enterprise, either as sole owner and operator, or jointly with any person, firm, or corporation, or jointly with any agency or department of the government of the United States of America. For the purpose of carrying out the powers herein set forth, the Crow Tribal Council is authorized and empowered to use and expend tribal funds of the Crow Tribe.

BYLAWS

ARTICLE I

DUTIES OF CROW TRIBAL COUNCIL

SECTION 1: The Chairman of the Council shall preside over all meetings of the Council, perform all duties of the Chairman and Exercise any and all authority detailed by the Council, and shall be entitled to vote only in care of a tie. /19

SECTION 2: The Vice-Chairman shall assist the Chairman when called upon so to do; in the absence of the Chairman, shall preside and when so presiding shall have all the privileges, duties, and responsibilities of the Chairman.

SECTION 3: The Secretary of the Council shall forward a copy of the minutes of all the meetings to the Superintendent of the Reservation, and the Commissioner of Indian Affairs, and the Regional Director, and shall conduct all correspondence of the Council and shall keep all records and minutes of the meetings, records as to expenditures and allotment of tribal gratuitous and other funds over which the Council has sole charge. /19

SECTION 4: The duties of all appointed special committees or officer of the Council shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such committees and officers shall report from time to time as required to the Council and their activities and decisions shall be subject to review of the Council. /18

SECTION 5: Regular and emergency meetings of the Crow Council shall be held on call of the Chairman at Crow Agency, Crow Agency, Montana.

SECTION 6: No business shall be transacted unless a quorum of 100 is present.

SECTION 7: Order of business:

(a) Call to order by Chairman
(b) Reading of minutes of last meeting
(c) Unfinished business
(d) Reports
(e) New Business
(f) Adjournment

/18 Resolution No. 203 - Adopts "Crow Tribal Plan of Operations," as amended see Appendix #18
/19 Resolution No. 65-16 - Authority to sign resolutions, see Appendix #19

SECTION 8: It shall be the duty of the Chairman of the Council to duly notice all tribal council meetings of the tribe for a period of at least seven (7) days prior to such meeting date, for decisions of the Crow Tribe affecting the sale or lease of tribal property, or of legislative matters affecting the Crow Tribe.

SECTION 9: /9 A salary is to be paid to each officer or member of the Crow Tribal Council when serving as an authorized delegate as follows:

Within the State of Montana	$10.00 per day
Outside the State of Montana, with the exception of trips to Washington D.C.	$15.00 per day

To Washington D.C. . . . . $25.00 per day

In addition to the above scale of salaries a per diem is to be paid each officer or member of the Crow Tribal Council, computed in accordance with the U.S. Government Travel Regulations and in addition to transportation via rail, air or personal car, whichever is administratively determined to be in the best interest of the Crow Tribe. /10

APPROVAL

Resolution No. 31 Adopted February 3, 1955, approved by letter to the Chairman of the Crow Tribal Council from Commissioner Glenn L. Emmons dated March 18, 1955.

ARTICLE II

RATIFICATION OF CONSTITUTION AND BYLAWS

This Constitution and the Attached Bylaws, when adopted by a majority of those attending District Councils called to vote on accepting a Constitution and Bylaws shall be binding upon the Crow Tribe.

/9 As amended by Resolution No. 31, see Appendix #29

/10 Resolution No. 52 amends last paragraph of Resolution No. 31, see Appendix #10

CERTIFICATE OF ADOPTION

Pursuant to the Constitutional election held on June 24, this constitution and Bylaws of the Crow Tribal Council of Montana, was adopted by a vote of 295 for and 130 against in an election in which 425 votes were cast.

Signed

Robert Yellowtail
Chairman, Tribal Council

Signed

George Hogan, Sr.
Secretary, Tribal Council

Signed

L. C. Lippert, Crow Agency

APPROVAL

This Constitution and Bylaws, having been proposed and ratified by the members of the Crow Tribe on June 24, 1948, at a referendum, is herewith approved.

(Sgd) William Zimmerman, Jr.

William Zimmerman, Jr.
Assistant Commissioner

Washington, D.D., May 23, 1949

Chippewa Cree Indians
# of the
Rocky Boy's Indian Reservation

CONSTITUTION AND BYLAWS
OF THE
CHIPPEWA CREE INDIANS OF THE ROCKY BOY'S RESERVATION
MONTANA

ADOPTED: November 2, 1935
APPROVED: November 23, 1935

PREAMBLE

We, the original and adopted members of the Rocky Boy's Band of Chippewas enrolled upon the Rocky Boy's Reservation in the State of Montana, in order to exercise our rights of self-government, to administer all tribal affairs to the best advantage of the individual members, and to preserve and increase our tribal resources, do ordain and establish this Constitution of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana.

ARTICLE I - TERRITORY

The Jurisdiction of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana, shall extend to the territory within the Rocky Boy's Reservation as established by Act of September 7, 1916 (39 Stat 739), /1 amending the Act of February 11, 1915 (38 Stat. 807), /2 in the State of Montana, and to such lands as have been or may hereafter be acquired and added to the Reservation by law.

ARTICLE II - MEMBERSHIP

SECTION 1: The membership of the Chippewa Cree Tribe shall consist as follows:

(a) All members of the Rocky Boy's Band of Chippewas enrolled as of June 1, 1934.

(b) All children born to any member of the Chippewa Cree Tribe of the Rocky Boy's Reservation who is a resident of the reservation at the time of the birth of said children.

(c) All children of one-half or more Indian blood born to a non-resident member of the Tribe.

(d) Any person shall lose his membership if after the adoption of this Constitution he is away from the reservation for a period of ten years unless within that period he applies to the Business Committee for extension of his membership and the Business Committee acts favorably upon such application. Any extension of membership shall be construed to include all absentee children of such member. Likewise, loss of membership by the parent shall be construed to include loss of membership by his absentee children.

SECTION 2: Any Indian, one-half blood or more and a resident of Montana, not a member of any other reservation, may become a member of this organization provided two-thirds or more of the eligible voters cast their ballots at such election, and provided further that two-thirds of those voting at such election vote in favor of such adoption. All elections to membership shall be confirmed by the Secretary of the Interior.

ARTICLE III - ORGANIZATION OF GOVERNING BODY /3 & 3a

SECTION 1: The governing body of the Chippewa Cree Tribe shall be known as the "Business Committee."

/1 Act of September 7, 1916 (39 Stat. 739), see Appendix #1
/2 Act of February 11, 1915 (38 Stat. 807), see Appendix #2

SECTION 2: The Business Committee shall consist of eight (8) members and a Chairman all of whom shall be elected on an at-large basis. The Chairman shall file for the particular office.

SECTION 3: During the first regular meeting following certification of those Committee Members elected at the biennial election, the Business Committee shall elect from within its own membership a Vice-chairman and such officers and committees as it may deem necessary. The services of a Tribal Secretary-Treasurer shall be available to the committee. Such tribal employee shall be hired on the basis of an employment contract.

/3 Article III amended in its entirety by Amendment No. 1, see Appendix #3
/3a Original wording of Article III, see Appendix #3a

SECTION 4: The term of office of the Chairman and all other committee members shall be four (4) years, or until their successors are duly elected and installed.

Those members of the Business Committee who are in office on the effective date of this amendment shall continue to serve until their successors are duly elected at the November 1972 general election and installed in office. At that election a Chairman and eight (8) committee members shall be elected. The Chairman and four (4) committee members shall be elected for terms of four (4) years (November 1972 through November 1976 unless earlier removed from office). The remaining four (4) committee members shall be elected to serve for two (2) year terms. (November 1972 through November 1974 unless earlier removed from office.) The differing lengths of terms shall apply only to the 1972 election for the purpose of establishing a system of staggered terms of office. Thereafter, all terms shall be for four (4) years. Primary elections shall be in June and general elections shall be in November of even numbered years.

The procedures for conducting the 1972 elections shall be determined by the election board and set forth in an ordinance of that body. In addition to those provisions stated in Article IV, Section 76, it shall include a procedure for determining which candidates in the June 1972 primary election will compete in the November 1972 general election for four (4) year terms and two (2) year terms. Those receiving the higher number of votes in the 1972 primary election will compete in the 1972 general election for the longer terms of office.

Candidates who wish to compete for the office of Chairman shall specifically file for that position for a four (4) year term.

SECTION 5: The Business Committee shall be empowered to establish by resolution the rates of payment to cover necessary experiences of tribal officials and/or tribal employees in connection with their attending either local or distant meetings considered to be official tribal business. The Business Committee may change the rates of payment for such expenses. However, any increase or decrease in such rates shall not apply until one (1) year from the date the increase was approved.

ARTICLE IV - ELECTIONS AND NOMINATIONS /4 & 4a

SECTION 1: Tribal members who are at least eighteen (18) years of age on election day shall be eligible to vote in tribal elections.

SECTION 2: To be eligible for membership on the Business Committee, candidates must have the following qualifications:

(a) Be a member of the tribe.

(b) Must have physically resided within the general area which encompasses the main body of the reservation or on any Land under the jurisdiction of the tribe for two (2) years immediately prior to the date of the general election.

(c) Must be at least twenty-five (25) years of age on the date of the election.

(d) Should a potential candidate have been convicted of a felony involving dishonesty in any State or Federal court or convicted by tribal court of a misdemeanor involving dishonesty or bribery in handling tribal affairs, such person shall not be entitled to be a candidate until five (5) years after completion of his penalty.

SECTION 3: Any member who wishes to file as a candidate for membership on the Business Committee, shall deposit with the Election Board a filing fee of $15.00 ($25.00 for the office of Chairman), to help defray election expenses. Such fee shall not be refunded unless the potential candidate fails to meet the qualifications. Procedures shall be set forth in the election ordinance regarding the Election Board's handling of funds received from filing fees. The filing fee may be adjusted by appropriate amendment to the election ordinance.

The Election Board shall be responsible for ensuring that only persons who meet the qualifications are accepted as candidate for elective office.

SECTION 4: In filling the four (4) vacancies which will occur each two (2) years, not more than eight (8) candidates receiving the highest number of votes in the June primary election shall compete for those four (4) positions in the November general election. The four (4) candidates receiving the highest number of votes in the general election shall be elected.

/4 Article IV amended in its entirety by Amendment #1, see Appendix #4
/4a Original wording of Article IV, see Appendix #4a

Such ordinance shall include provisions for secret balloting, absentee voting, registration of voters, a procedure for resolving election disputes and compensation for election officials. Provisions shall also be included for an impartial interpreter at the polling place during voting hours to assist those voters requesting help in casting their ballots.

Wherever possible, the Election Board shall coordinate tribal elections with State and County elections.

ARTICLE V - VACANCIES, REMOVAL AND RECALL /6 & 6a

SECTION 1: If any elective official shall die, resign, permanently leave the reservation, or shall be found guilty while in office of a felony or misdemeanor involving dishonesty in any Indian, State or Federal court, the Business Committee shall declare the position vacant and direct the Election Board to call a special election to fill such vacancy. The candidate receiving the highest number of votes shall be elected.

If six (6) months or less remain before the next primary election, the vacant position shall remain vacant until it is filled at the general election following that primary, except as provided in Section 1 (f) of the bylaws.

SECTION 2: The business Committee may by an affirmative vote of at least five (5) members expel any member for neglect of duty or gross misconduct provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated committee meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least five (5) days before the meeting at which he is to appear.

SECTION 3: Upon receipt of a valid petition signed by registered voters equal in number to forty (40) percent of those who voted at the last election, it shall be the duty of the Election Board to call and conduct, within sixty (60) days, a recall election on any individual who fills an elective position. The provisions of this Section shall also apply to those election board members indicated in Article IV, Section 6. A majority of those who participate in such election must favor recall in order for it to become effective, provided those who vote constitute at least fifty (50) percent of the registered voters.

Only one (1) recall attempt may be made for any tribal official during a given term of office. No recall petition shall be acted upon until at least six (6) months of the term has expired. No more than one (1) official at a time may be considered for recall. A recall election shall not be held if an election for that office is scheduled within ninety (90) days after filing the recall petition.

Should the recall be successful, the vacancy shall be filled as provided in Section 1 of this Article. Further details needed to carry out the intent of this Article shall be set forth in the tribal election ordinance.

/6 Article V amended in its entirety by Amendment #1, see Appendix #6
/6a Original wording of Article V, see Appendix #6a

ARTICLE VI - POWERS OF THE COMMITTEE /7 & 7a

SECTION 1: The Business Committee shall exercise the following powers subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and bylaws.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Rocky Boy's Reservation.

(b) To employ legal counsel for the protection and advancement of the tribe and its members, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets, including oil, gas, and minerals which may be authorized or executed by the Secretary of the Interior, or the Commissioner of Indian Affairs, or any other official or agency of Government provided that no tribal lands shall ever be sold, encumbered, or leased for a period exceeding that permitted by existing law, except to the extent required to implement the provisions of the loan program designed to help purchase land in trust as set forth in the Act of April 11, 1970 (84 Stat. 120). /8

(d) To advise the heads of the various Federal departments and other governmental agencies with regard to all appropriation estimates prior to the submission of such estimates to the Office of Management and Budget and to Congress.

(e) To approve applications for selections of land in conformity with Article IX of this Constitution.

(f) To manage all economic affairs and enterprises of the tribe in accordance with the terms of the tribe's Federal Charter of Incorporation.

/7 Article VI amended in its entirety by Amendment #II, see Appendix #7
/7a Original wording of Article VI, see Appendix #7a
/8 Act of April 11, 1970 (34 Stat. 120), see Appendix #8

(g) To charter subordinate organizations for economic purposes and regulate the activities of all cooperative associations of members of the tribe.

(h) To appropriate available tribal funds for tribal governmental operations, except that any proposed expenditure exceeding the tribe's anticipated annual income shall be subject to approval by a referendum vote.

(i) Future tribal income may be pledged by the Business Committee only in the manner authorized by Section 5(e) and 5(f) of the tribe's corporate charter.

(j) To levy taxes upon members of the tribe and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the reservation.

(k) To enact resolutions or ordinances not inconsistent with Article II of this constitution governing tribal enrollment and abandonment of membership. /9

(l) To encourage and foster the arts, crafts, culture, and traditions of the tribe.

(m) To acquire and use for public purposes any part of a selection or land assignment, provided that adequate compensation is paid by the Business Committee to the holder of such property.

(n) To delegate to subordinate boards or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(o) To enact ordinances including a comprehensive law and order code subject to approval by the Secretary of the Interior governing the conduct of tribal members and providing for maintenance of law and order. The code shall include such items listed here but not limited to: Jurisdiction, court procedures, civil actions, domestic relations, sentences, criminal offenses, and organization and procedures of tribal police.

/9 Resolution No. 84-68 and Ordinance No. 03-68 (Procedures Governing Enrollment), see Appendix #9

ARTICLE VII - POPULAR PARTICIPATION IN GOVERNMENT

SECTION 1: All regular meetings of the Business Committee shall be open to the public, but visitors may not interfere with proceedings, and may only speak with the consent of the Chairman.

SECTION 2: /10 All resolutions and ordinances of the Business Committee shall be placed in writing and posted in public places, and copies shall be placed with each committee member. /10a

ARTICLE VIII - REFERENDUM /11 & 11a

SECTION 1: Upon receipt of a valid petition signed by at least one-half (1/2) of the number who voted at the last election, or upon the request of a majority of the members of the Business Committee as set forth in a resolution, it shall be the duty of the Election board within sixty (60) days to submit to popular referendum any enacted or proposed ordinance or resolution of the Business Committee. The vote of a majority of those who cast ballots in such referendum shall be conclusive and binding on the committee, provided at least three-fourths (3/4) of the registered voters participate in that referendum.

Any enactment which has been effective for at least six (6) months shall no longer be subject to referendum.

SECTION 2: For the purpose of adopting or amending an election ordinance, the Election Board is empowered to call and conduct a referendum election. In such election, a majority of those who vote shall determine whether the proposal is adopted or rejected provided at least thirty (30) percent of the registered voters participate in the balloting.

ARTICLE IX - TRIBAL LANDS

SECTION 1: No lands now within the reservation boundary, held in trust for the tribe, may be alienated nor may title pass to any individual.

SECTION 2: Any head of a family who is a member shall be entitled to the use of not more than 160 acres of land, such land to be known as "a selection."

/10 Section 2, Article VII, amended by Amendment No. I, see Appendix #10
/10a Original wording of Section 2, Article VII, see Appendix #10a
/11 Article VIII, amended in its entirety by Amendment No. I, see Appendix #11
/11a Original wording of Article VIII, see Appendix #11a

SECTION 3: Applications for selections shall be presented in writing to the Business Committee.

SECTION 4: The applicant shall be investigated by the Business Committee before action may be taken on his application.

SECTION 5: The applicant upon approval of his application shall reside upon selection and do a reasonable amount of improvement for two years before selection is finally approved.

SECTION 6: All selections approved by the Superintendent of the reservation at the time of the approval of this Constitution shall remain in effect.

SECTION 7: If any man has allowed his selection to run down, and has made no effort to keep up improvements and make a reasonable use of his land, the Business Committee shall have the right to cancel his selection after due hearing, and to reassign his land to an eligible member of the tribe provided that such member shall pay to the former occupant of the land the value of all his improvements as determined by an appraisal board appointed by the Business Committee. This valuation of the board shall be subject to review and modification by the Business Committee upon appeal by the man who loses his selection. The Business Committee may allow the man to remain in his house without the use of the land and reassign the land to any other eligible member.

SECTION 8: Tribal lands not assigned as selections may be used in common for grazing purposes by all members in accordance with ordinance or resolutions enacted by the Business Committee, or may be leased by the Business Committee with the approval of the Secretary of the Interior in accordance with law. Preference shall be given, first, to Indian cooperative associations, and, secondly, to individual Indians who are members of the Chippewa Cree Tribe. No lease of tribal lands to a non-member shall be made by the Business Committee unless it shall appear that no Indian Cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for much use, provided no individual member of the tribe or cooperative association shall be given any preference as to the use of tribal land unless the stock of such individual member or association is restricted stock and bears the ID brand.

SECTION 9: Improvements of any character made upon selections may be willed to and inherited by members of the Chippewa Cree Tribe. When improvements are not possible of fair division, the Business Committee shall dispose of them under such regulations as it may provide. No permanent improvements may be removed from any land without the consent of the Business Committee.

ARTICLE X - AMENDMENTS

SECTION 1: This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon presentation of a petition signed by two-thirds of the eligible voters of the tribe.

ARTICLE XI - RIGHTS OF MEMBERS /12

In compliance with the Civil Rights Act of 1968 (82 Stat. 77), /13 the Chippewa Cree Tribe in exercising its powers of self-government shall not:

(a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceable to assemble and to petition for a redress of grievances;

(b) Violate the right of the people to be secure in their persons, houses, papers and effects against reasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(c) Subject any person for the same offense to be twice put in jeopardy:

(d) Compel any person in any criminal case to be witness against himself;

(e) Take any private property for a public use without just compensation;

(f) Deny to any person in criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense:

(g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six (6) months or a fine of five hundred dollars ($500.00) or both;

(h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(i) Pass any bill of attainder or ex post facto law; or

(j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

ARTICLE XII - JUDICIAL BRANCH /14

SECTION 1: There shall be established a Judicial Branch within the tribal government to enforce ordinances and laws of the Business Committee, the Election Board and/or to administer justice through a tribal court. The Judicial Branch shall also provide an appellant body for tribal members who are aggrieved by decisions of the tribal court.

SECTION 2: There shall be established, the positions of Chief Judge and two (2) Associate Judges for the tribal court who shall be responsible to carry out the tribe's judicial functions in accordance with an approved tribal law and order code. Terms of these offices shall be four (4) years and judges shall be elected at large in accordance with the tribal election ordinance.

/12 Article XI (Rights of Members) added by Amendment No. III, see Appendix #12
/13 Act of 1968 (82 Stat. 77), Civil Rights Act, see Appendix #13

The Chief Judge and the two (2) associate Judges in office upon the effective date of this amendment shall continue in office until the November 1972 election unless earlier removed from office. The successful candidates at the election and thereafter shall be elected to serve for four (4) year terms.

/14 Article XII (Judicial Branch), added by Amendment #IV, see Appendix #14

BYLAWS

SECTION 1: /15 Organization of Business Committee and Duties of Officers /15a

(a) The officers of the committee shall be the Chairman, Vice Chairman, and such officers as may be hereafter designated by the committee.

(b) The Chairman shall be elected at large. The Vice Chairman and any other officers shall be elected from within the committee by secret ballot. A nonvoting Secretary-Treasurer shall be selected from outside the committee and retained on an employment contract.

(c) The Chairman of the Election Board shall administer the oath of office to the newly-elected members of the Business Committee following certification of their election.

(d) In the absence of any officer at the meeting, the Business Committee shall elect a temporary chairman to preside for that meeting.

(e) The Chairman of the committee shall preside over all meetings of the committee, shall perform all duties of a Chairman and exercise any authority delegated to him by the committee. He shall vote only in case of a tie.

(f) The Vice Chairman shall assist the Chairman when called upon to do so, and in the absence of the Chairman, shall preside. When so presiding, he shall have all of the rights, privileges, and duties as well as the responsibilities of the Chairman.

In case of a vacancy, the Vice Chairman shall succeed at once to the office Chairman until the next special or regular election for the office of Chairman in accordance with Section 1, Article V of the tribal constitution.

(g) The Secretary-Treasurer, selected pursuant to Subsection (b) above, shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at the business meetings. It shall be his duty to submit promptly to the Superintendent and the Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the Business Committee.

/15 Section 1, amended by Amendment #I, see Appendix #15
/15a Original wording of Section 1, see Appendix #15a

It shall be his duty to have the minutes permanently bound and ready for inspection at all reasonable times. It shall also be his duty to receive all petitions, applications, and other business papers and prepare same for presentation to the Business Committee.

The Secretary-Treasurer shall serve as clerk of the tribal Election Board in a nonvoting capacity and shall perform such services as may be set forth in an election ordinance.

The Secretary-Treasurer shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Business Committee whether they be tribal funds or special funds for which the Committee is acting as trustee or custodian. Checks and drafts shall be made out to the "Chippewa Cree Business Committee" and shall be endorsed "for deposit only." The Secretary-Treasurer shall deposit all such funds as directed by the Business Committee and shall make and preserve an accurate record of the money.

Further, he shall report on all receipts and expenditures and the amount and nature of all funds in his custody. All reports shall be in writing and submitted to the Business Committee at its regular meetings and at such other times it may request. The Secretary-Treasurer shall not pay out or otherwise disburse any funds in his possession except when properly authorized to do so by resolution duly passed by the Business Committee. All checks shall be signed by the Secretary-Treasurer and countersigned as designated by resolution of the Business Committee.

The books and records of the Secretary-Treasurer shall be audited annually and at other times as directed by the Business Committee by a competent auditor employed by the Committee. The Commissioner of Indian Affairs may audit the tribal accounts if he deems it necessary. The Secretary-Treasurer shall be present at all meetings of the Business Committee.

SECTION 2: /15 Meetings /15a

(a) The Business Committee shall hold regular business meetings each month at the tribal office on a date to be set forth by resolution of the committee.

(b) Special meetings may be called at any time by the Chairman upon ten (10) hours written notice delivered to members of the Business Committee and shall be called and conducted upon petition by five (5) members of the committee.

/15 Section 2, amended by Amendment #I, see Appendix #15
/15a Original wording of Section 1, see Appendix #15a

(c) A quorum of five (5) committee members shall be present at any meeting before the committee may be officially called to order. Only members of the Business Committee shall have the right to vote.

SECTION 3: /15 Order of Business /15a

(a) Roll Call

(b) Reading of the minutes of previous meeting

(c) Secretary-Treasurer to report business transactions and present any bills, requisitions, claims, etc.

(d) Hearing of applications, petitions, complaints, and other business properly coming before the committee.

(e) Any other business

(f) Adjournment

SECTION 4: /15 Procedure for adoption of Constitution and Bylaws

(a) This Constitution and Bylaws attached hereto shall be in full force and effect whenever a majority of the adult voters of Rocky Boy's Band of Chippewas voting at an election called by the Secretary of the Interior in which at least thirty (30) percent of the eligible voters shall vote, shall have ratified such Constitution and Bylaws and the Secretary of the Interior shall have approved same, as provided in the Act of June 18, 1934, as amended by the Act of June 15, 1935.

/15 See Appendix #15 (Amendment #I) last paragraph

CERTIFICATE OF ADOPTION

Pursuant to an order, approved October 18, 1935, by the Secretary of the Interior, the attached Constitution and Bylaws were submitted for ratification to the members of the Rocky Boy's Band of Chippewas of the Rocky Boy's Reservation and were on November 2, 1935, duly adopted by a vote of 128 for, and 23 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (Pub. No. 147, 74th Cong.).

JOHN PARKER
Chairman of Election Board

MALCOM MITCHELL
Chairman of Rocky Boy's Business Committee

JOE CORCORAN
Secretary

EARL WOOLDRIDGE
Superintendent

* * * * * * * * * * * * * * * *

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934, (48 State. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Chippewa Cree Tribe of the Rocky Boy's Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or Bylaws are hereby declared in-applicable to the Chippewa Cree Tribe of the Rocky Boy's Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended November 15, 1935.

JOHN COLLIER
Commissioner of Indian Affairs

HAROLD L. ICKES
Secretary of the Interior

Washington, D.C.
November 23, 1934

* * * * * * * * * * * * * * * *

Amended by election held April 22, 1973 and approved by Assistant Secretary of the Interior Harrison Loesch May 17, 1972.

Blackfeet Tribe
# of the
Blackfeet Indian Reservation

CONSTITUTION AND BYLAWS
FOR THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION
MONTANA

ADOPTED BY TRIBE: November 13, 1935
RATIFIED BY TRIBE: November 13, 1935
APPROVED: December 13, 1935

PREAMBLE

We, the adult members of the Blackfeet Indian Tribe, pursuant to the authority vested in us by section 16 of the Act of June 18, 1934 (48 Statutes at Large, page 936), and amendments thereto, do hereby organize for the common welfare of said tribe and the members thereof, and for such purpose do adopt the following constitution for the government, protection, and common welfare of the said tribe and members thereof.

ARTICLE I - TERRITORY

The jurisdiction of the Blackfeet Tribe shall extend to the territory within the confines of the Blackfeet Reservation boundaries as defined in the agreement of September 26, 1895; /1 and to such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II - MEMBERSHIP

SECTION 1: /2 & 2a The members of the Blackfeet Tribe shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1935.

(b) All children born prior to the adoption of this amendment to any blood member of the Blackfeet Tribe maintaining a legal residence /3 within the territory of the Reservation at the time of such birth.

(c) All children having one-fourth (1/4) degree of Blackfeet Indian blood or more born after the adoption of this amendment to any blood member of the Blackfeet Tribe.

/1 Confirmed by the Act of June 10, 1896 (29 Stat. 353), see Appendix #1
/2 Sec. 1, Article II amended by amendment #111, see Appendix #2
/2a Original wording of Sec. 1, Article II, see Appendix #2a
/3 Resolution No. 72-56 defines "Legal Residence,
see Appendix #3

SECTION 2: The tribal council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of new members. /4

ARTICLE III - GOVERNING BODY

SECTION 1: The governing body of the Blackfeet Tribe shall consist of a council known as the Blackfeet Tribal Business Council.

SECTION 2: /5 & 5a The Blackfeet Tribes Business Council shall consist of nine (9) members only elected from the four (4) districts of the Blackfeet Indian Reservation, which are designed as follows: Browning District, Heart Butte District, Old Agency District, and Seville District.

There shall be three (3) councilmen elected from the residents of the Browning District. There shall be two (2) councilmen elected from the residents of the Heart Butte District. There shall be two (2) councilmen elected from the residents of the Old Agency District. There shall be two (2) councilmen elected from the residents of the Seville District.

The election of all councilmen shall be submitted to the entire electorate of the reservation, provided that no one shall be elected as a councilman who has not resided in the district from which he or she is a candidate at least six (6) months preceding the time when he or she shall become a candidate for each office.

SECTION 3: In lieu of the districts as herein described the tribal council shall have the power to establish communities, and the basis of representation on the tribal council from such communities, subject to popular vote.

SECTION 4: (a) The tribal council so organized shall elect from its membership: (1) A chairman; (2) a vice chairman.

(b) The tribal council shall elect from within or outside of its own membership: (1) A secretary; (2) a sergeant-at-arms; (3) such other officers and communities as may be deemed necessary.

/4 Ordinance No. 14 (Enrollment), see Appendix #4
/5 Section 2, Article III, amended by Amendment No. IV, see Appendix #5
/5a Original wording of Section 2, Article III, see Appendix #5a

ARTICLE IV - ELECTIONS AND NOMINATIONS FOR THE TRIBAL COUNCIL

SECTION 1: /6 & 6a The first elections of the tribal council hereunder shall be called and supervised by the present tribal council within thirty (30) days after the ratification and approval of this constitution. Members of the Tribal Council shall be elected for a term of two (2) years by the eligible voters of the Blackfeet Tribe, except the council members elected on January 20, 1948 shall serve until July 1950. Thereafter, the terms of office of the members of the Tribal Council shall expire on the first Thursday in July of even-numbered years. Elections of council members shall be held on the third Tuesday in June of even-numbered years.

SECTION 2: Each qualified candidate for the tribal council shall file notice of his candidacy with the secretary of the tribal council at least fifteen (15) days prior to the election. The list of candidates shall be posted by the secretary of the tribal council, in the respective districts, not less than ten (10) days prior to the election.

SECTION 3: All elections shall be held in accordance with the rules and regulations laid down by the tribal council, or an election board appointed by the tribal council. /15

SECTION 4: The places of voting shall be designated by the tribal council. /15

SECTION 5: All elections shall be by secret ballot.

SECTION 6: It shall be the duty of the members of the tribal council, or a board appointed by them, to certify to the election of the duly elected tribal council members. This shall be done within 5 days after each election.

SECTION 7: Any member of the Blackfeet Tribe, eighteen (18) years of age or over, shall be eligible to vote at any election when he or she presents himself or herself at a polling place within his or her voting district. /7 & 7a

/6 Section 1, Article IV, amended by Amendment #II, see Appendix #6
/6a Original wording of Section 1, Article IV, see Appendix #6a
/7 Section 7, Article IV, Amended by Amendment #VIII see Appendix #7
/7a Original wording of Section 7, Article IV, see Appendix #7a
/15 Election Ordinance No. ____, see Appendix #15

ARTICLE V - VACANCIES AND REMOVAL FROM OFFICE

SECTION 1: If a council member or official shall die, resign, permanently leave the reservation, or shall be removed for cause, the council shall declare the position vacant and shall elect to fill the unexpired term, provided that the person elected to fill the unexpired term shall be a resident of the district in which the vacancy occurred.

SECTION 2: /8 & 8a The Blackfeet Tribal Business Council may expel a member for cause by two-thirds (2/3) or more members of the entire Blackfeet Tribal Business Council voting for expulsion. Before any vote for expulsion is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated council meeting, and the decision of the Blackfeet Tribal Business Council shall be final.

SECTION 3: /8 & 8a Any member of the Blackfeet Tribe who has ever been convicted of a felony in any court for which he has not received a pardon or a restoration of civil rights shall be ineligible for office and any tribal council member or other tribal officer found guilty by the Blackfeet Tribal Business Council of gross neglect of duty, misconduct reflection on the dignity of the tribe or Blackfeet Tribal Business Council, habitual drunkenness, or repeated unexcused absences from official functions shall be expelled from office and shall be barred from holding any tribal office for the next succeeding term.

ARTICLE VI - POWERS OF THE COUNCIL

SECTION 1: ENUMERATED POWERS: The council of the Blackfeet Reservation shall exercise the following powers, subject to any limitations embodied in the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached bylaws.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Blackfeet Tribe.

/8 Sections 2 & 3a Article V, amended by Amendment #IV, see Appendix #8
/8a Original wording of Section 2 & 3, Article V, see Appendix #8a

(b) To employ legal counsel for the protection and advancement of the rights of the Blackfeet Tribe and its members; the choice of counsel and the fixing of fees to be approved by the Secretary of the Interior.

(c) To prevent the sale, disposition, lease, or incumbrance of tribal lands, interests in lands or other tribal assets, without the consent of the tribe.

(d) To advise the Secretary of the Interior in regard to all appropriation estimates or Federal projects for the benefit of the Blackfeet Tribe prior to the submission of such estimates to the Bureau of the Budget and Congress.

(e) To manage all economic affairs and enterprises of the Blackfeet Reservation, including all oil leases on tribal lands and the disposition of all oil royalties from tribal lands, in accordance with the terms of a charter to be issued to the Blackfeet Tribe by the Secretary of the Interior.

(f) To make assignments of tribal lands to members of the Blackfeet Tribe in conformity with Article VII of this constitution.

(g) /9 & 9a To manage tribal affairs in an acceptable and business-like manner and in accordance with the administrative plan, call the Plan of Operations, and by amendments as necessary, subject to approval by the Secretary of the Interior or his duly authorized representative. All salaries or remuneration shall be paid as set forth in the Plan of Operations. The Tribe shall pay only for services officially authorized in the administrative plan and actually received. The amount shall be a matter of public record.

(h) To regulate and license all business or professional activities conducted upon the reservation, subject to the approval of the Secretary of the Interior and to levy assessments for public purposes, provided that any assessments upon non-members trading or residing within the jurisdiction of the tribe shall be subject to the approval of the Secretary of the Interior.

/9 Section 1 (g), Article VI, amended by Amendment #VI, see Appendix #9
/9a Original wording of Section 1 (g), Article VI, see Appendix #9a

(i) To exclude from the land owned by the tribe or its members not legally entitled to reside thereon, under ordinances which shall be subject to review by the Secretary of the Interior.

(j) To requisition community labor for public purposes of the tribe and to purchase land from members of the tribe under condemnation proceedings in courts of competent jurisdiction, subject to review by the Secretary of the Interior.

(k) To promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation, and to establish minor courts for the adjudication of claims or disputes arising amongst the members of the tribe, and for the trial and punishment of members of the tribe charged with the commission of offenses set forth in such ordinances. /10

(l) To regulate the inheritance of real and personal property other than allotted lands within the Blackfeet Reservation, subject to review by the Secretary of the Interior.

(m) To encourage and foster Indian arts, crafts, culture and traditions.

(n) To enact ordinances not inconsistent with Article II of this constitution, governing adoption and abandonment of membership, and to keep at all times a correct roll of the Blackfeet Reservation. /4

(o) To provide for the appointment of guardians for minors and mental incompetents, by ordinances or resolutions, subject to the approval of the Secretary of the Interior.

(p) To promulgate rules and regulations governing fishing, hunting, and trapping on the Blackfeet Reservation. /14

/10 Law & Order Code
/4 Ordinance No. 14 (Enrollment), see Appendix #4
/14 Ordinance No. 30 (Use of Snowmobiles for Hunting & Fishing), see Appendix #14

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(q) To adopt resolutions regulating the procedure of the council itself, and of other tribal agencies and tribal officials of the reservation.

(r) To delegate to subordinate boards or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated powers.

SECTION 2: MANNER OF REVIEW: Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same. If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the tribal council of such decision. If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days after its enactment, he shall advise the Blackfeet Tribal Business Council of his reason thereof. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SECTION 3: FUTURE POWERS: The council of the Blackfeet Reservation may exercise such further powers as may in the future be delegated to the council by the numbers of the tribe or the Secretary of the Interior or by any other duly authorized official or agency of the State or Federal Government.

SECTION 4: RESERVED POWERS: Any right and powers heretofore vested in the tribe or band of the Blackfeet Reservation, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Blackfeet Reservation through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VII - LAND

SECTION 1: ALLOTTED LANDS: Allotted lands, including heirship lands, within the Blackfeet Reservation, shall continue to be held an heretofore by their present owners. It is recognized that under existing laws such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Montana or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Blackfeet Tribe. Likewise it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to state taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land, may, with the approval of the Secretary of the Interior, voluntarily convey his or her land to the Blackfeet Tribe, either in exchange for a money payment or in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SECTION 2: TRIBAL LANDS: The unallotted lands of the Blackfeet Reservation, and all lands which may hereafter be acquired by the Blackfeet Tribe or by the United States in trust for the blackfeet tribe, including tribal timber reserve, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. /11 Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Blackfeet Tribe, or leased, or otherwise used by the tribe as hereinafter provided.

/11 Resolutions No. 45-71, 81-71, 132-72, 37-55 and Solicitors Opinion make exception for F>H>A> loan, see Appendix #11

SECTION 3: LEASING OF TRIBAL LANDS: Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

No lease of tribal land to a nonmember shall be made by the tribal council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the tribal council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SECTION 4: GRANT OF "STANDARD" ASSIGNMENTS: In any assignment of tribal lands which now are owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and second, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than forty (40) acres of irrigated agricultural land, one hundred and sixty (160) acres of dry agricultural land or three hundred and twenty (320) acres of grazing land, or other land or interests in land of equal value.

No allotted member of the tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The tribal council may, if it sees fit, charge a fee of not to exceed $2.00 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as "standard" assignments.

SECTION 5: TENURE OF STANDARD ASSIGNMENTS: If any member of the tribe holding a standard assignment of land shall for a period of one (1) year fail to use the land so assigned or shall use such land for any unlawful purposes, his assignment may be canceled by the tribal council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Blackfeet Tribe who would be eligible to receive a "Standard" assignment.

SECTION 6: GRANT OF "EXCHANGE" ASSIGNMENTS: Any member of the tribe who owns an allotment or any share of heirship land or any deeded land within the reservation may voluntarily transfer his interest in such lands to the tribe in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as exchange assignments.

SECTION 7: LEASING OF EXCHANGE ASSIGNMENTS: Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SECTION 8: INHERITANCE OF EXCHANGE ASSIGNMENTS: Upon the death of the holder of any exchange assignment, such land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conductions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Blackfeet Tribe, except that a life assignment may be made to the surviving child, widower or widow of the holder of an assignment.

(b) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than eighty (80) acres, and no areas of agricultural land shall be subdivided into units smaller than 2-1/2 acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or divisees, the tribal council shall issue to such heirs or devisees, grazing permits or other interests in tribal lands of the same value as the assignment of the descendent.

(c) Such lands may not be reassigned to any heir or devisee holding under allotment or assignment more than two sections of grazing land or other land of equal value.

(d) If there are no eligible heirs or devisees of the descendent, the land shall be eligible for reassignment in accordance with the provisions of section of this article.

SECTION 9: INHERITANCE OF IMPROVEMENTS: Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Blackfeet Tribe or otherwise disposed of under such regulations as the tribal council shall provide. No permanent improvements shall be removed from the land without the consent of the tribal council.

SECTION 10: EXCHANGE OF ASSIGNMENTS: Assignments may be exchanged between members of the Blackfeet Tribe by common consent in such manner as the tribal council shall designate.

SECTION 11: USE OF UNASSIGNED TRIBAL LAND: Tribal land which is not leased or assigned, including tribal timer reserves, be managed by the tribe for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

SECTION 12: PURCHASE OF LAND BY TRIBE: /12 Tribal funds may be used to acquire land under the following circumstances: /11

(a) Patent in fee land within or adjacent to the boundaries of the Blackfeet Indian Reservation may be purchased either with funds under the control of the Blackfeet Tribal Business Council or, if the Secretary of the Interior so consents, with other tribal funds.

(b) Restricted or trust land, including land in heirship status, may, with the consent of the owner, be purchased with funds under the control of the Blackfeet Tribal Business Council or, if the Secretary of the Interior so consents, with other tribal funds, under such terms as may be agreed upon, and restricted or trust title taken. /12a

SECTION 13: METHOD OF MAKING ASSIGNMENTS: Application for assignments shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than twenty (20) days before action is taken by the council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, getting forth his objections, to be filed with the secretary of the council, and may, if he so desires, appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

/11 See Appendix #11 for Land Purchase Plan of Operations
/12 Section 12, Article VII, amended in its entirety by Amendment #V, see Appendix #12
/12a Original wording of Section 12, Article VII, see Appendix #12a

ARTICLE VIII - BILL OF RIGHTS

SECTION 1: SUFFRAGE: Any member of the Blackfeet Tribe, eighteen (18) /7 & 7a years of age or over, shall be eligible to vote at any election when he or she presents himself or herself at a polling place within his or her voting district.

SECTION 2: ECONOMIC RIGHTS: All members of the tribe shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SECTION 3: CIVIL LIBERTIES: All members of the tribe may enjoy without hinderance freedom of worship, conscience, speech, press, assembly, and association.

SECTION 4: RIGHTS OF ACCUSED: Any member of the Blackfeet Tribe accused of any offense shall have the right to a bond, open and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty days' imprisonment. Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE IX - REFERENDUM

Upon a petition of at least one-third (1/3) of the eligible voters of the Blackfeet Tribe, or upon the request of a majority of the members of the tribal council, any enacted or proposed ordinance or resolution of the council shall be submitted to popular referendum, and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the tribal council.

/7 Section 1, Article VIII, amended by Amendment #VIII, see Appendix #7
/7a Original wording of Section 1, Article VIII, see Appendix #7a

CONSTITUTION AND BYLAWS
OF THE
BLACKFEET TRIBE
OF THE
BLACKFEET INDIAN RESERVATION - MONTANA

NAME: Blackfeet Tribal Business Council

ORGANIZATION AUTHORITY: Sec. 16, Act of June 18, 1934 (48 Stat. 987), as amended by the act of June 15, 1935

RATIFIED BY THE TRIBE: November 13, 1935

APPROVED BY THE SECRETARY OF THE INTERIOR: December 13, 1935

AMENDMENTS TO THE CONSTITUTION AND BYLAWS:

#1 Approved January 18, 1946 - Article III, Section 2 - Governing Body, (Constitution)

#2 Approved May 24, 1950 - Article IV, Section 1 - Elections and Nominations for Tribal Council (Constitution)

#3 Approved August 30, 1962 - Article II, Section 1 - Membership (Constitution)

#4 Approved August 3, 1964 - Article III, Section 2 - Governing Body; Article V, Sections 2 and 3 Vacancies and Removal from Office (Constitution)

#5 Approved August 3, 1964 - Article VII, Section 12 - Land (Constitution)

#6 Approved August 3, 1964 - Article VI, Section 1 (g) - Powers of the Council (Constitution)

#7 Approved August 3, 1964 - Article V, Sections 1, 2 and 3 - Meetings (Bylaws)

#8 Approved March 7, 1974 - Article IV, Section 7 - Voting Age (Constitution)
Article VIII, Section 1 - Bill of Rights

BOUNDARIES: Established by the Agreement of September 26, 1895, ratified by the Act of Congress of June 10, 1896 (29 Stat. 353)

GOVERNING BODY: Nine (9) council members elected from four (4) districts

ELECTIONS: All members elected every even-numbered year

REGULAR MEETINGS: First Thursday of each month

REGULAR PLACE OF BUSINESS: Tribal Headquarters, Browning, Montana

BYLAWS
OF THE
BLACKFEET TRIBAL BUSINESS COUNCIL
OF
MONTANA

ARTICLE 1

To be eligible for membership on the Blackfeet Indian Tribal Council, it will be necessary that the Indian be a member of the Blackfeet Tribe, living on the Blackfeet Reservation for at least six (6) months prior to the date of election at which he or she may become a candidate. The council in office shall determine whether or not he or she is an eligible candidate for the district which he or she proposes to represent.

ARTICLE II - INSTALLATION OF ELECTED BUSINESS COUNCIL CANDIDATES

The newly elected candidates to the tribal council shall be installed in office at the first regular meeting of the council after certificate of their election has been issued.

ARTICLE III - POLLING PLACES

Polling places shall be established as follows until otherwise provided by ordinance of the tribal council: Browning District; Seville District; Heart Butte District; Old Agency District; Agency Community Hall, Babb Ranger Station; Agency Community Hall; Heart Butte Community Hall, Little Badger Community Hall; Old Agency Community Hall.

ARTICLE IV - JUDGES AND CLERKS

On each election day there shall be employed and stationed at each polling place three (3) election judges and two (2) clerks, who shall be named by the council in office. The judges shall judge the election and the clerks will record and tally votes.

ARTICLE V - MEETINGS /13 & 13a

(Meetings and Procedures)

SECTION 1: A regular Blackfeet Tribal Business Council meeting shall be called on the first Thursday of each month, and special meetings may be called by the Chairman of the Blackfeet Tribal Business Council at such times as are deemed necessary. Meeting will be held at the Tribal Headquarters in Browning, Montana. Regular Blackfeet Tribal Business Council meetings will be open to the public and from time to time the public will be invited to participate in the discussion of matters of importance to the tribe.

SECTION 2: Two-thirds (2/3) of the members of the entire Blackfeet Tribal Business Council must be present to constitute a quorum to legally transact the business of the Blackfeet Tribal Business Council.

SECTION 3: All decisions shall be by a majority vote of the Blackfeet Tribal Business Council members at meetings at which a quorum is present; with the exception that a two-thirds (2/3) vote of the entire Blackfeet Tribal Business Council shall be necessary to rescind any former action of the Blackfeet Tribal Business Council, and that this section shall not supersede any article in this Constitution that requires a vote in conflict with this amendment.

ARTICLE VI - DUTIES OF OFFICERS

CHAIRMAN: The chairman shall preside at all council meetings.

VICE CHAIRMAN: Should the chairman not be present at a meeting the vice chairman shall preside in his stead.

SECRETARY: The secretary shall call the roll at the opening of each meeting. He then shall read the minutes of the previous meeting. The minutes shall be approved by the council, after which it shall be the secretary's duty to call to the attention of the council any unfinished business of the previous meeting. Further, the secretary shall read to the council all communications which, during the month have been received by said council. It shall be the duty of the secretary to answer all correspondence after it has been discussed and a decision made by the council.

SERGEANT-AT-ARMS: It shall be the duty of the sergeant-at-arms to keep order at all council meetings.

/13 Article V amended in its entirety by Amendment #VII, see Appendix #13
/13a Original wording of Article V, see Appendix #13a

ARTICLE VII - PROCEDURE OF ADOPTION

This constitution and the attached bylaws, when adopted by a majority vote of the voters of the Blackfeet Tribe voting at a special election called by the Secretary of the Interior, in which at least thirty (30) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATE OF ADOPTION

Pursuant to an order, approved October 19, 1935, by the Secretary of the Interior, the attached constitution and bylaws were submitted for ratification to the members of the Blackfeet Tribe of the Blackfeet Reservation and were on November 13, 1935, duly accepted by a vote of 884 for and 157 against in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 14, 1935 (Pub., No. 174, 74th Cong.).

JOSEPH W. BROWN
Chairman of Election Board

JOSEPH W. BROWN
Chairman of Blackfeet Tribal Business Council

LEO M. KENNERLY
Secretary

WARREN L. O'HARA
Superintendent

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Blackfeet Tribe of the Blackfeet Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by laws are hereby declared inapplicable to the Blackfeet Tribe of the Blackfeet Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

APPROVAL RECOMMENDED.

A.C. MONAHAN
Acting Commissioner of Indian Affairs

HAROLD L. ICKES
Secretary of the Interior
(SEAL)

WASHINGTON, D.C., December 13, 1935

ARTICLE X - AMENDMENTS

The constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds (2/3) of the council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the tribe.

AMENDMENT
CONSTITUTION AND BYLAWS
FOR THE
BLACKFEET TRIBE
OF THE
BLACKFEET INDIAN RESERVATION
OF
MONTANA

AMENDMENT IX

ARTICLE III, Section 2, GOVERNING BODY AND ARTICLE IV, ELECTIONS AND NOMINATIONS FOR THE TRIBAL COUNCIL, shall be amended to read:

ARTICLE III - GOVERNING BODY

SECTION 2: The Blackfeet Tribal Business Council shall consist of none (9) members duly elected from the four districts of the Browning District, Heart Butte District, Seville District and Old Agency District.

The election of all Tribal Council members shall be submitted to the entire electorate of the Reservation, provided that no one shall be elected as a councilman who has not resided within the exterior boundaries of the Blackfeet Indian Reservation for a period of 1 year immediately prior to being a candidate and who has not resided in the district from which he or she is a candidate at least six (6) months immediately prior to the time when he or she shall become a candidate for such office.

ARTICLE IV - ELECTIONS AND NOMINATIONS FOR THE TRIBAL COUNCIL

SECTION 1: Members of the Tribal Council shall be elected for a term of two (2) years by the eligible voters of the Blackfeet Tribe.

SECTION 2: Members of the Blackfeet Tribal Business Council shall be elected to specifically enumerated seats as follows: position shall be elected to specifically enumerated seats as follows: position one, two, three, four, five, six, seven, eight, and nine. Position one, two, and three shall be from the Browning District, four and five from the Heart Butte District, six and seven from the Seville District and eight and nine from the Old Agency District.

SECTION 3: (a) A primary election for Tribal Council membership shall be held on the first Tuesday in June of even numbered years, commending in the year 1978.

(b) The two candidates receiving the largest and second largest number of votes for each of the positions enumerated in section 2 shall be certified as to their nominations as candidates for the general election by the Blackfeet Tribal Election Board within seventy-two (72) hours of the closing of the polls of the primary election. In the event of a tie vote in any one position, those candidates tied with one of the top two will be certified as to their nomination as candidates for the general election.

SECTION 4: (a) A general election for Tribal Council Membership shall be held on the last Tuesday of June of even numbered years commencing in the year of 1978.

(b) The candidate receiving the largest number of votes for each of the positions enumerated in second 2 shall be certified by the Blackfeet Tribal Election Board to the Blackfeet Tribal Business Council as having been elected to the position sought on the Blackfeet Tribal Council within seventy-two (72) hours of the closing of the polls of the General Election.

SECTION 5: The terms of office of the members of the Blackfeet Tribal Business Council shall expire on the second Thursday in July of even numbered years.

SECTION 6: (a) Each qualified candidate for the Blackfeet Tribal Business Council shall file a notice of candidacy with the Blackfeet Tribal Election Board at least twenty (20) days prior to the primary election and shall at that time declare the one position sought.

(b) The list of primary election candidates shall be posted by the Blackfeet Tribal Election Board in at least ten (10) conspicuous locations on or near the Blackfeet Indian Reservation not less than ten (10) days prior to the primary election.

Publication in a newspaper of general circulation on the Blackfeet Indian Reservation shall constitute two such postings.

(c) The list of general election nominees shall be posted by the Blackfeet Tribal Election Board in at least ten (10) conspicuous locations on or near the Blackfeet Indian Reservation not less than ten (10) days prior to general election. Publication in a newspaper of general circulation on the Blackfeet Indian Reservation shall constitute two such postings.

SECTION 7: All elections shall be held in accordance with the rules and regulations laid down by the Blackfeet Tribal Council or by an Election Board appointed by the Tribal Council.

SECTION 8: Voting places shall be designated by the Tribal Council, or, if so authorized by the Council, by the Election Board.

SECTION 9: All elections shall be by secret ballot.

SECTION 10: Any member of the Blackfeet Tribe eighteen (18) years of age or older shall be eligible to vote when he or she presents himself or herself to the polling place wherein he or she is assigned to vote.

APPROVAL

I, James F. Canan, Area Director, Billings Area Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to the commissioner of Indian Affairs by 230 D.M. 1.1., and redelegated to me by 10 BIAM 3.1, do hereby approve Amendment IX to the Constitution and Bylaws of the Blackfeet Tribe of Blackfeet Indian Reservation, Montana.

________________ Date	____________________________ James F. Canan, Area Director, Billings Area Office

Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation

CONSTITUTION AND BYLAWS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION

PREAMBLE

We, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in order to establish a more responsible organization, promote our general welfare, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of self-government not inconsistent with Federal, State, and local laws, do ordain and establish this Constitution for the Confederated Tribes of the Flathead Reservation.

ARTICLE I--TERRITORY

The jurisdiction of the Confederated Salish and Kootenai Tribes of Indians shall extend to the territory within the original confines of the Flathead Reservation as defined in the Treaty of July 16, 1855, and to such other lands without such boundaries, as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II--MEMBERSHIP

SECTION 1. The membership of the Confederated Tribes of the Flathead Reservation shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census rolls of the Confederated Tribes as of January 1, 1935.

(b) All children born to any member of the Confederated Salish and Kootenai Tribes of the Flathead Reservation who is a resident of the reservation at the time of the birth of said children.

SECTION 2. The Council shall have the power to propose ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of members by the Confederated Tribes.

SECTION 3. Representation from the districts hereby designated shall be as follows: Jocko Valley and Mission Districts, two councilmen each, Ronan, Pablo, Polson, Elmo-Dayton, Hot Springs-Cama-Prairie, and Dixon, one councilman each.

SECTION 4. The Tribal Council shall have the power to change the districts and the representation from each district, based on community organization or otherwise, as deemed advisable, such change to be made by ordinance, but the total number of delegates shall not be changed as provided for in section 2 of article III of this Constitution.

SECTION 5. The Tribal Council so organized shall elect from within its own number a chairman, and a vice chairman, and from within or without its own membership, a secretary, treasurer, sergeant-at-arms, and such other officers and committees as may be deemed necessary.

SECTION 6. No person shall be a candidate for membership in the Tribal Council unless he shall be a member of the Confederated Tribes of the Flathead Reservation and shall have resided in the district of his candidacy for a period of one year next preceding the election.

SECTION 7. The Tribal Council of the Confederated Tribes of the Flathead Reservation shall be the sole judge of the qualifications of its members.

ARTICLE IV--NOMINATIONS AND ELECTIONS

SECTION 1. The first election of a Tribal Council under this Constitution shall be called and supervised by the present Tribal Council within 30 days after the ratification and approval of this Constitution, and thereafter elections shall be held every two years on the third Saturday prior to the expiration of the terms of office of the members of the Tribal Council. At the first election, five councilmen shall be elected for a period of two years and five for a period of four years. The term of office of a councilman shall be for a period of four years unless otherwise provided herein.

SECTION 2. The Tribal Council or an election board appointed by the Council shall determine rules and regulations governing all elections.

SECTION 3. Any qualified member of the Confederated Tribes may announce his candidacy for the Council, within the district of his residence, notifying the Secretary of the Tribal Council in writing of his candidacy at least 15 days prior to the election. It shall be the duty of the Secretary of the Tribal Council to post in each district at least 10 days before the election, the names of all candidates for the Council who have met these requirements.

SECTION 4. The Tribal Council, or a board appointed by the Council, shall certify to the election of the members of the Council within 5 days after the election returns.

SECTION 5. Any member of the Confederated Tribes of the Flathead Reservation who is 21 years of age or over and who has maintained a legal residence for at least one year on the Flathead Reservation shall be entitled to vote.

SECTION 6. The Tribal Council, or a board appointed by the Tribal Council, shall designate the polling places and appoint all election officials.

ARTICLE V--VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or official shall die, resign, permanently leave the reservation, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term, provided that the person chosen to fill such vacancy shall be from the district in which such vacancy occurs.

SECTION 2. Any councilman who is proven guilty of improper conduct or gross neglect of duty may be expelled from the Council by a two-thirds vote of the membership of the Council voting in favor of such expulsion, and provided further, that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Council meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least five days before the meeting at which he is to appear.

ARTICLE VI--POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. The Tribal Council shall have the power, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and attached Bylaws;

(a) To regulate the uses and disposition of tribal property, to protect and preserve the tribal property, wildlife and natural resources of the Confederated Tribes, to cultivate Indian arts, crafts, and culture, to administer charity; to protect the health, security, and general welfare of the Confederated Tribes.

(b) To employ legal counsel for the protection and advancement of the rights of the Flathead Confederated Tribes and their members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To negotiate with the Federal, State, and local governments on behalf of the Confederated Tribes, and to advise and consult with the representatives of the Departments of the Government of the United States on all matters affecting the affairs of the Confederated Tribes.

(d) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands and tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other agency of the Government, provided that no tribal lands shall be sold or encumbered or leased for a period in excess of five years, except for Governmental purposes.

(e) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Confederated Tribes, prior to the submission of such estimates to the Congress.

(f) To manage all economic affairs and enterprises of the Confederated Tribes in accordance with the terms of a charter to be issued by the Secretary of the Interior.

(g) To make assignments of tribal lands to members of the Confederated Tribes in conformity with article VIII of this Constitution.

(h) To appropriate for tribal use of the reservation any available applicable tribal funds, provided that any such appropriation may be subject to review by the Secretary of the Interior, and provided, further, that any appropriation in excess of $5,000 in any one fiscal year shall be of no effect until approved in a popular referendum.

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(i) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon nonmembers doing business within the reservation, or obtaining special rights or privileges, and the same may also be applied to members of the Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes.

(j) To exclude from the restricted lands of the reservation persons not legally entitled to reside thereon, under ordinances which may be subject to review by the Secretary of the Interior.

(k) To enact resolutions or ordinances not inconsistent with article II of this Constitution governing adoptions and abandonment of membership.

(l) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Confederated Tribes, and providing for the maintenance of law and order and the administration of justice by the establishment of an Indian Court, and defining its powers and duties.

(m) To purchase land of members of the Confederated Tribes for public purposes under condemnation proceedings in courts of competent jurisdiction.

(n) To promulgate and enforce ordinances which are intended to safeguard and promote the peace, safety, morals, and general welfare of the Confederated Tribes by regulating the conduct of trade and the use and disposition of property upon the reservation, providing that any ordinance directly affecting nonmembers shall be subject to review by the Secretary of the Interior.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative and other associations which may be organized under any charter issued under this Constitution.

(p) To regulate the inheritance of real and personal property, other than allotted lands, within the Flathead Reservation, subject to review by the Secretary of the Interior.

(q) To regulate the domestic relations of members of the Confederated Tribes.

(r) To recommend and provide for the appointment of guardians for orphans, minor members of the Confederated Tribes, and incompetents subject to the approval of the Secretary of the Interior, and to administer tribal and other funds or property which may be transferred or entrusted to the Confederated Tribes or Tribal Council for this purpose.

(s) To create and maintain a tribal fund by accepting grants or donations from any person, State, or the United States.

(t) To delegate to subordinate boards or to cooperative associations which are open to all members of the Confederated Tribes, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(u) To adopt resolutions or ordinances to effectuate any of the foregoing powers.

SECTION 2. Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation who shall, within ten days thereafter, approve or disapprove the same, and if such ordinance or resolution is approved, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within 90 days from the date of enactment, rescind said ordinance or resolution for any cause, by notifying the Council of such action: Provided, That if the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefore, and the Council, if such reasons appear to be sufficient, may refer it to the Secretary of the Interior, who may pass upon same and either approve or disapprove it within 90 days from its enactment.

SECTION 3. The council of the Confederated Tribes may exercise such further powers as may in the future be delegated to it by the Federal Government, either through order of the Secretary of the Interior or by Congress, or by the State Government or by members of the Confederated Tribes.

SECTION 4. Any rights and powers heretofore vested in the Confederated Tribes but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the members of the Confederated Tribes through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VII--BILL OF RIGHTS

SECTION 1. All members of the Confederated Tribes over the age of 21 years shall have the right to vote in all tribal elections, subject to any restrictions as to residence as set forth in article IV.

SECTION 2. All members of the Confederated Tribes shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SECTION 3. All members of the Confederated Tribes may enjoy without hindrance freedom of worship, speech, press, and assembly.

SECTION 4. Any members of the Confederated Tribes accused of any offense, shall have the right to a prompt, open, and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses in his own behalf and trial by jury shall be accorded, when duly requested, by any member accused of any offense punishable by more than 30 days' imprisonment, and excessive bail or cruel or unusual punishment shall not be imposed.

ARTICLE VIII--LAND

SECTION 1. *Allotted Lands*--Allotted lands, including heirship lands, within the Flathead Reservation, shall continue to be held as heretofore by their present owners. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Confederated Tribes either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

The Tribal Council shall have the right to exchange tribal lands for individual allotments when necessary for consolidation of tribal holdings and subject to approval of the Secretary of the Interior. Such exchanges shall be based on the appraised value of the lands so exchanged, and the individual Indian shall hold the land so exchanged in the same manner as the original allotment.

SECTION 2. *Tribal lands*--The unallotted lands of the Flathead Reservation, and all lands which may hereafter be acquired by the Flathead Reservation, and all lands which may hereafter be acquired by the Flathead Confederated Tribes or by the United States in trust for the Flathead Confederated Tribes, shall be held as tribal land, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individuals but may be assigned to members of the Confederated Tribes, or leased, or otherwise used by the Confederated Tribes as hereinafter provided.

SECTION 3. *Leasing of tribal lands*--Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Confederated Tribes. No lease of tribal land to a nonmember shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Confederated Tribes is able and willing to use land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SECTION 4. *Grants of standard, assignments*--In any assignment of tribal lands which are now owned by the Confederated Tribes or which may hereafter be acquired for the Confederated Tribes or which may hereafter be acquired for the Confederated Tribes by the United States, or purchased by the Confederated Tribes out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and, secondly, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than 80 acres of agricultural land, or other land or interest in land of equal value.

No allotted member of the Confederated Tribes who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of lands as a landless Indian.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as "Standard Assignments."

The Tribal Council may, if it seems fit charge a fee of not to exceed $5.00 on approval of an assignment of land made under this section.

SECTION 5. *Tenure of standard assignments*--If any member of the Confederated Tribes holding a standard assignment of land shall, for a period of one year, fail to use the land so assigned, or shall use such land for any unlawful purposes, his assignment may be canceled by the Tribal Council after he has had due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a "Standard Assignment," his heirs, or other individuals designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Confederated Tribes who would be eligible to receive a "Standard Assignment."

SECTION 6. *Grant of exchange assignment*--Any member of the Confederated Tribes who owns an allotment or any share of heirship land, or any unencumbered deeded land within the reservations, may voluntarily transfer his interest in such land to the Confederated Tribes in exchange for an assignment to the same land or to other lands of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "Exchange Assignments."

SECTION 7. *Leasing of exchange assignments*--Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Confederated Tribes, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SECTION 8. *Inheritance of exchange assignments*--Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heirs or devisees who are not members of the Confederated Tribes, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 320 acres of grazing land, or other land or interests in lands of equal value, either under allotment or under assignment.

(c) Such lands may not be subdivided into units smaller than 160 acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council shall issue to the eligible heirs or devisees, grazing permits or other interest in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this Article.

SECTION 9. *Inheritance of improvements*--Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Confederated Tribes, or otherwise disposed of under such regulations as the Tribal Council shall provide. No permanent improvements shall be removed from the land without the consent of the Tribal Council.

SECTION 10. *Exchange of assignments*--Assignments may be exchanged between members of the Confederated Tribes by common consent in such manner as the Tribal Council shall designate.

(a) *Use of unassigned community land*--Community land which is not assigned, including community timber reserves, shall be managed by the community council for the benefit of the members of the entire community, and any cash income derived from such land shall accrue to the benefit of the community as a whole.

SECTION 11. *Purchase of land by community.*--Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land under the following conditions:

(a) Land within the Flathead Reservation, or adjacent to the boundaries thereof which is not now in Indian ownership, may be purchased by or for the Confederated Tribes.

(b) Restricted land which is in heirship status at the time of the adoption and approval of this Constitution may be purchased by or for the Confederated Tribes with the consent of all the adult heirs, and the legal guardians of minor heirs, or incompetent heirs, payment therefore to be made as may be agreed upon.

(c) Land owned by any member of the Confederated Tribes who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the Confederated Tribes in exchange for a pension or not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land in excess of 320 acres owned by any member of the Confederated Tribes, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e) Land owned by any member of the Confederated Tribes who desires to leave the reservation permanently may be purchased by the Confederated Tribes, under such terms as may be agreed upon.

SECTION 12. *Method of making assignments*--Applications for assignments shall be filed with the Secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located, for not less than 20 days before action is taken by the Council.

Any member of the Confederated Tribes wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may, if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the Council on the application for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by all members of the Confederated Tribes.

The Council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX–REFERENDUM

SECTION 1. Upon a petition of at least one-third (⅓) of the eligible voters of the Confederated Tribes, or upon the request of a majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Council shall be submitted to a popular referendum, and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the Tribal Council, provided that at least thirty percent (30%) of the eligible voters shall vote in such election.

ARTICLE X–AMENDMENTS

SECTION 1. This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds of the Council, or upon presentation of a petition signed by one-third (⅓) of the qualified voters, members of the Confederated Tribes.

BYLAWS

ARTICLE 1–THE TRIBAL COUNCIL

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, perform all duties of chairman, and exercise any authority detailed to him, and he shall be entitled to vote on all questions.

SECTION 2. The vice chairman shall assist the chairman when called on so to do, in the absence of the chairman shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the chairman.

SECTION 3. The Council secretary shall forward a copy of the minutes of all meetings to the Superintendent of the Reservation and to the Commissioner of Indian Affairs.

SECTION 4. The duties of all appointed boards or officers of the organization shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report from time to time as required to the Council and their activities and decisions shall be subject to review by the Council upon petition of any person aggrieved.

SECTION 5. Newly elected members who have been duly certified shall be installed at the first regular meeting of the Tribal Council.

SECTION 6. Each member of the Tribal Council and each officer or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath, he shall pledge himself to support and defend the Constitution of the United States and this Constitution and Bylaws. The following form of oath of office shall be given: "I,________________________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, to carry out faithfully and impartially, the duties of my office to the best of my ability; to cooperate, promote, and protect the best interests of my Tribe, in accordance with this Constitution and Bylaws."

SECTION 7. Regular meetings of the Tribal Council shall be held on the first Saturdays of January, April, July, and October, at 9:00 o'clock a.m., at the Flathead Agency.

SECTION 8. Special meetings may be called by a written notice signed by the chairman or a majority of the Tribal Council and when so called the Tribal Council shall have power to transact business as in regular meetings.

SECTION 9. No business shall be transacted unless a quorum is present which shall consist of two-thirds (⅔) of the entire membership.

SECTION 10. Order of business:

(a) Call to order by chairman.
(b) Roll Call.
(c) Reading of minutes of last meeting.
(d) Unfinished business.
(e) Reports.
(f) New business.
(g) Adjournment.

SECTION 11. It shall be the duty of each member of the Tribal Council to make reports to the district from which he is elected, concerning the proceedings of the Tribal Council.

SECTION 12. The Tribal Council may prescribe such salaries for officers or members of the Council as it deems advisable, from such funds as may be available.

ARTICLE II–ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Council on matters of general and permanent interest to the members of the Confederated Tribes shall be embodied in ordinances. Such ordinances shall be published from time to time for the information and education of the member of the Confederated Tribes.

SECTION 2. All final decisions of the Council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to inspection by members of the Confederated Tribes.

SECTION 3. All questions of procedure (such as acceptance of Committee reports or invitations to outsiders to speak) shall be decided by action of the Council or by ruling of the Chairman, if no objection is heard.

In all ordinances, resolutions or motions the Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SECTION 4. *Legislative forms*--Every ordinance shall begin with the words: "Be it enacted by the Council of the Confederated Salish and Kootenai Tribes--."

SECTION 5. Every resolution shall begin with the words: "be it resolved by the Council of the Confederated Salish and Kootenai Tribes--."

SECTION 6. Every ordinance or resolution shall contain a recital of the laws of the United States and the provisions of this Constitution under which authority for the said ordinance or resolution is found.

ARTICLE III--RATIFICATION OF CONSTITUTION AND BYLAWS

This Constitution and the attached Bylaws, when adopted by a majority vote of the voters of the Confederated Tribes voting at a special election called by the Secretary of the Interior, in which at least thirty (30) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

Pursuant to an order, approved September 25, 1935, by the Secretary of the Interior, the attached Constitution and Bylaws were submitted for ratification to the members of the Confederated Salish and Kootenai Tribes of the Flathead Reservation and were on October 4, 1935, duly adopted by a majority vote of the members of said voting in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 14, 1935 (Pub., No. 147, 74th Cong.).

ROY E. COURVILLE,
Chairman of Election Board

JOSEPH R. BLODGETT,
President of Tribal Council

LUMAN W. SHOTWELL
Superintendent and ex officio
Secretary of the Tribal Council

MARTIN (his thumb mark) CHARLO,
Chief Confederated Salish Tribe
PAUL (his thumb mark) KOOS TA-TA,
Chief Kootenai Tribe

Witnesses to mark:
HENRY MATT
NICOLAI LASSAW

I, Harold I. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or Bylaws are hereby declared inapplicable to the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended October 26, 1935
JOHN COLLIER
Commissioner of Indian Affairs

Harold L. Ickes
Secretary of the Interior
[SEAL]

WASHINGTON, D.C.
October 28, 1935

Companion Piece

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OTHER POSSIBLE RESOURCE CHOICES FOR SCHOOL LIBRARY MEDIA CENTERS AND CLASSROOM LIBRARIES

This list is not meant to be all inclusive. The curriculum writing team recommends that all books listed or to be purchased be reviewed to determine appropriateness for your school. When in doubt as to whether material is approprite or accurate, check with the resource evaluation guide that is a companion piece to this document. Tribal libraries are also good sources to use when seeking information as to possible resources.

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GLOSSARY

Aboriginal:	Original; indigenous; native to a particular region.
Abrogation:	The action of terminating a treaty or international agreement.
Acculturation:	The process of adopting the cultural traits or social patterns of another group. The result of this process.
American Indian Movement (AIM):	Militant Indian organization established in Minneapolis, Minnesota, in 1968. Originally founded to assist urban Indians, the organization broadened its purpose to include protesting the denial of Indian treaty rights, land rights, and social welfare.
American Indian Religious Freedom Act:	Passed in 1978, this act begins to restore to tribes and tribal members their religious freedom afforded all other citizens by the Constitution. This includes the right to use and possess sacred objects, and the freedom to worship through ceremonials and traditional rights.
Appellate Court (tribal):	Theses courts have recently been developed by many tribes. In many tribes, panels of judges are assembled ad hoc for each appeal. In others, judges from other tribes are used. These courts have the power to review the judgment from another tribe.
Articles of Confederation:	Document adopted by the Second Constitutional Congress on November 15, 1777, and ratified by all states in 1781. Modeled on the structure of the Iroquois League, the articles served as the framework of the U.S. government until the Constitution was adopted in 1789.
Assimilation:	The absorption of a minority culture group into the main culture body.
Band:	Part of a tribe.
Blood Quantum:	A term used to identify the percentage of tribal heritage. Various federal Indian laws and tribal enrollment requirements typically require a certain minimum percentage of Indian blood. For example, some laws require a 25 percent (1/4) blood quantum.

Bureau of Indian Affairs (BIA):	Agency within the U. S. Department of the Interior responsible for administrating the U. S. government's relationships with Indian governments and for overseeing Congress' trust responsibility for Indian lands and existence.
Cession:	The ceding or yielding of rights, property, territory from one group or person to another.
Clan:	Individuals sharing the same lineage; American Indian clans are usually represented by an animal totem.
Clan Mother:	Eldest female member of a clan, serves as the clan leader in a matriarchal society.
Citizenship Act, 1924:	An act passed by Congress which recognized citizenship status of American Indians in the United States.
Communal:	Belonging or shared by the community.
Communal Ownership:	Land ownership as practiced by American Indian tribes; title was vested in the tribe rather than an individual.
Confederacy:	A league or alliance for mutual support, aid, and common action.
Dawes Allotment Act:	Also known as the General Allotment Act of 1887, this act required that communally held reservation lands be allotted to individuals for ownership.
Discovery Doctrine:	When a nation discovers land unknown to it in the past, that nation may acquire ownership of the land, but not control of the people living on the land.
Eagle Protection Act:	Indian tribes are given permission to use eagle feathers for religious purposes.
Education Assistance Act of 1975:	This act authorized the Secretaries of Interior and Health, Education, and Welfare to enter contracts under which the tribes themselves would assume responsibility for the administration of federal Indian programs.

Enumerated Powers:	Powers specifically listed in a constitution and granted to specific parts of a government.
Executive Order:	A direction or order from the president of the United States.
Federal Enclaves Act of 1817:	(General Crimes Act) One of the most important federal criminal statutes applicable in Indian country. Its primary present function is to provide for prosecution of crimes by non-Indians against Indians and of non-major crimes by Indians against non-Indians.
Federally Recognized Tribes:	Tribes with whom the federal government maintains an official relationship, usually established by treaty, congressional legislation, or executive order.
Fee Patent Land:	Land that is held in ownership by either Indians or non-Indians and is subject to state and local taxes.
Five Civilized Tribes:	Name given by the Whites to the Cherokee, Choctaw, Chicksaw, Muscogee, and Seminole tribes from the southwest due to their adoption of certain European practices such as a written language, written constitutions, and schools.
Full Faith and Credit:	Shall be given in each state to the public acts, records, and judicial proceedings of every other state. This does not necessarily apply to the judgment of tribes, however, the Supreme Court has noted "in some circumstances" that tribal court has been entitled to full faith and credit.
General Council:	Supreme governing body of some tribes; traditionally composed of all adult members of the tribe.
The General Crimes Act:	This act states that the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States shall extend to Indian Country except as otherwise expressly stated by law. This does not include offenses committed by one Indian against the person or property of an other Indian.
Government-Government Relationship:	Relationship that exists between federally-recognized tribes and the federal government. Implicit in the relationship is a recognition of tribal sovereignty and the U. S. government's obligation to protect tribal lands.

Hunting and Fishing Rights:	The establishment of a reservation by treaty, statute, or agreement included, for tribal members, the implied right to hunt and fish free of regulation by the state on their reservation. Tribes, by treaty, may also reserve rights to hunt and fish off the reservation without state-controlled licensing fees or season regulations.
Indian Child Welfare Act:	This act, passed in 1978, gives authority over all Indian child custody proceedings unless parents expressly request state jurisdiction. The purpose of the act is to protect the rights of the Indian child in custody and adoption proceedings.
Indian Citizenship Act of 1924:	Congress passed a statute conferring citizenship upon all Indians born within the United States. This unique citizenship meant that they didn't have to relinquish their right to membership in their tribe when they became U.S. citizens.
Indian Civil Rights Act of 1968:	This act extended the provisions of the Bill of Rights to reservation Indians, ruled that the states could not assume law and order jurisdiction on reservations without the consent of the tribes, and restricted tribal governments in the same way federal and state governments are restricted. (See appendix for entire Act.)
Indian Claims Commission Act:	Established by Congress in 1946 to hear suits from tribes suing for lands lost or illegally taken. It awarded $800 million to tribes.
Indian Country:	Land on which Indian laws and customs and federal laws relating to Indians govern.
Indian Financing Act of 1974:	This act establishes a revolving loan fund to aid in the development of Indian resources.
Indian Reorganization Act (IRA):	Also called the Wheeler-Howard Act (1934), the IRA was formulated largely by John Collier, commissioner of Indian Affairs, and was aimed at strengthening tribal governments and restoring tribal lands.
Indian Self-Determination Act of 1975:	This act allows tribes to administer all federal programs on the reservation. It also allows tribes to structure themselves in whatever way they see fit, rather than as set forth in the Reorganization Act of 1934.

Indian Water Rights:	(See Reserved Rights Doctrine.)
Johnson-O'Malley Act (JOM):	Passed in 1934, this act provided supplementary funds to local school districts for improvement of Indian education.
Jurisdiction:	The limit or area of one's authority. The court's authority to hear cases.
Matrilineal:	System of social organization in which families are mother-centered. Descent and property devolve through the female line.
Matrilocal:	Requirement in some societies that a married couple live with the wife's mother.
Meriam Report:	A survey of Indian affairs commissioned by Congress and issued in 1928. The report detailed the deplorable conditions in which many Indians lived and called for reforms.
The Major Crimes Act:	This act states that any Indian committing against the person or property of another Indian or other person any felony crime such as murder, manslaughter, kidnapping, maiming, etc., within Indian Country shall be subject to the same law and penalty as all other persons committing the same offenses within the exclusive jurisdiction of the United States.
Manifest Destiny:	Popular view held during the 19th century that the American mission was to expand its territorial limits to the Pacific Coast.
Nation:	A stable, historically developed community of people who share territory, economic life, distinctive culture, and language.
National Congress of American Indians (NCAI):	Organization of tribal leaders formed during the 1940s to lobby for protection of Indian rights and culture.
National Indian Youth Conference:	Organization formed by tribal youths in 1961 to provide Indian youths with a voice in Indian reform.
Nonrecognized Tribe:	Tribe that does not maintain a government-government and trust relationship with federal government and does not, in general, receive government services and recognition of its land base or sovereignty.

Nuclear Family:	Kinship group consisting of a father, mother, and their children.
Patrilineal:	System of social organization in which families are father-centered. Descent and property devolve through the male line.
Patrilocal:	Social requirement that a married couple reside with the husband's father's clan.
Plenary Doctrine:	Doctrine stating that the federal government has unlimited governmental control and jurisdiction over Indian tribes.
Pow-Wow:	An American Indian gathering where dancing, singing, games, and celebration take place.
Public Law 280:	Passed in 1953, this law authorized states to assume responsibility for law and order in Indian areas. Indian consent was never mentioned. In addition, P.L. 280 provided that any other state could assume such jurisdiction by statute or state constitutional amendment. Several states assumed partial or total jurisdiction pursuant to this authority. Over the Flathead Reservation, the state of Montana has limited criminal jurisdiction and was later granted, by tribal consent, jurisdiction over certain domestic relations issues.
Relocation:	Federal policy formulated in 1952. Indians were relocated from rural and reservation areas to urban areas for job training and employment.
Removal Act:	Act passed by Congress in 1830 authorizing the president to negotiate with Eastern tribes for their removal to lands west of the Mississippi River.
Reservation:	Lands reserved for tribal use.
Reserved Rights Doctrine:	Summarized characteristics: These rights are through federal law. The establishment of a reservation by treaty, statute, or executive order includes implied reservation of water rights in sources within or bordering the boundaries of the reservation. These rights are reserved from the date of reservation creation giving Indians water rights over non-Indians with later appropriation dates. The quantity of water reserved for Indians is the sufficient amount needed to irrigate all practically irrigable acreage of the reservation. These rights are not lost due to nonuse.
Retrocession:	Procedure by which states can return to tribes the jurisdictional powers they gained under Public Law 280.

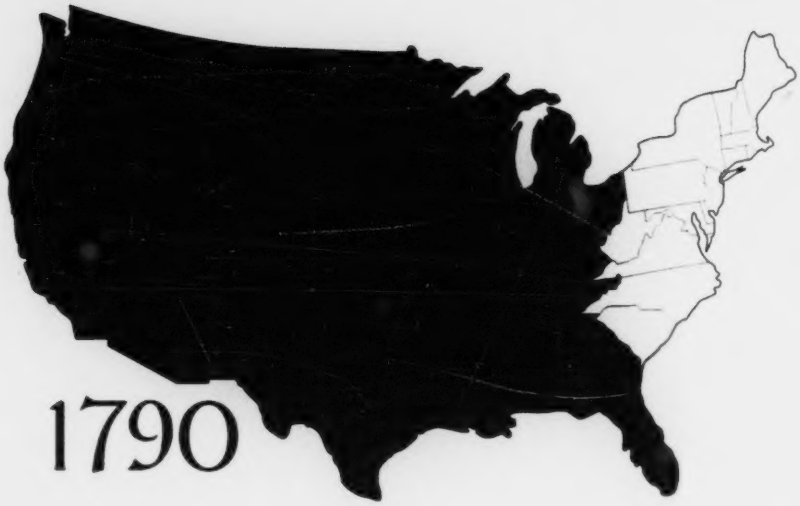
Self-determination:	To make decisions about yourself, to run your own affairs. Self-determination of the American Indian tribes recognizes that it is the tribe's duty and right to govern and make decisions regarding tribal members. (See Indian Self-determination Act.)
State-recognized Tribes:	Tribes that are not usually federally recognized but maintain a special relationship with their state government and whose lands and rights are recognized by the state.
Sovereign:	Supreme in power or authority. Politically, a sovereign nation is one which is independent of control by other nations.
Sovereignty:	The status, dominion, rule, or power of a sovereign.
Sun Dance:	An annual renewal ceremony observed by the Lakotas and other Plains tribes. The traditional Sun Dance included self-torture by warriors to benefit the nation's spiritual state.
Tax Exemption:	All Indians pay federal taxes. Indians who live and work on their own reservation do not pay state taxes. Indians who live on their reservation but work off their reservation pay taxes on that income. Indians who do not live on their reservation pay state taxes.
Terminated Tribes:	Federal Indian policy during the 1950s that sought to end the federal government's relationships with Indian tribes as prescribed under House Current Resolution 108.
Termination:	Federal Indian Policy during the 1950s that sought to end the federal government's relationship with Indian tribes as prescribed under House Concurrent Resolution 108.
Treaty:	Formal agreement between two or more nations, relating to peace, alliance, trade, etc.
Tribal Sovereignty:	A tribe is a distinct political community. Only Congress has the authority to limit or abolish tribal powers. No state may impose its laws on the reservation.
Tribe:	A group of individuals bound together under ancestry, kinship, languages, culture, and political authority.
Trust:	Property held by one person for the benefit for another.

Trustee:	Person to whom another's property, or the management of that property, is entrusted.
Trusteeship:	Term referring to the federal government's legal obligation to protect tribal land, resources, and existence.
Wampum:	Small beads made of shells; used by tribes of the northeast as money.
Wampum belts:	Red, white, purple and black shells woven into belts and used by tribes of the northeast as symbols of peace and war, and international messages.
Wardship:	Refers to the federal government's responsibility as trustee over Indians as carried out primarily by the Bureau of Indian Affairs.

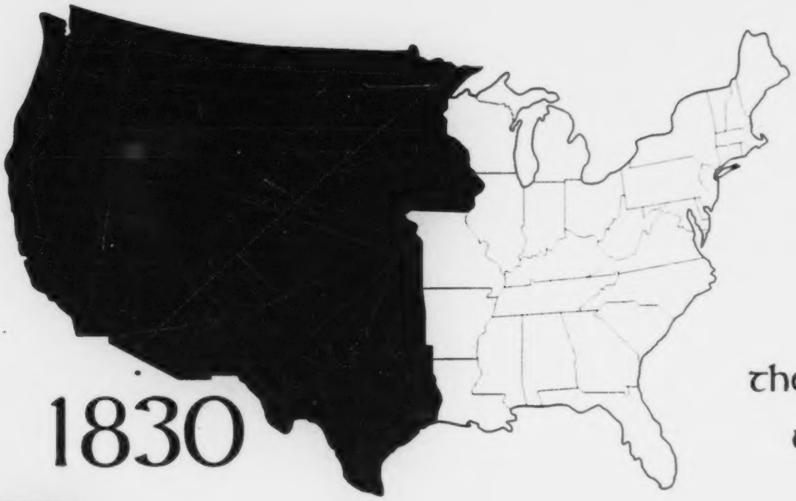
REFERENCE MAPS

1492

By 1790, the
population of
the United States
was 4 million.

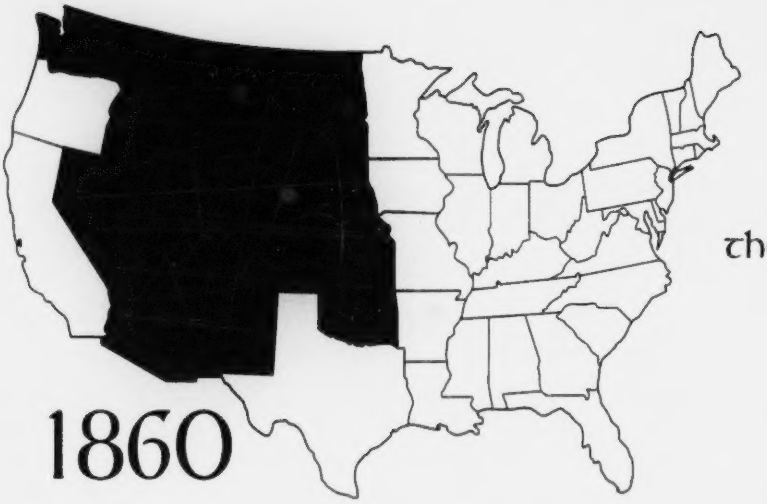


1790



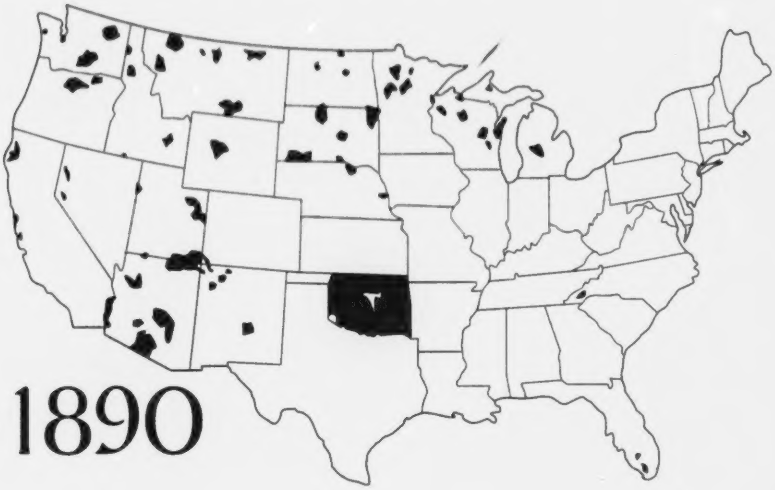
1830

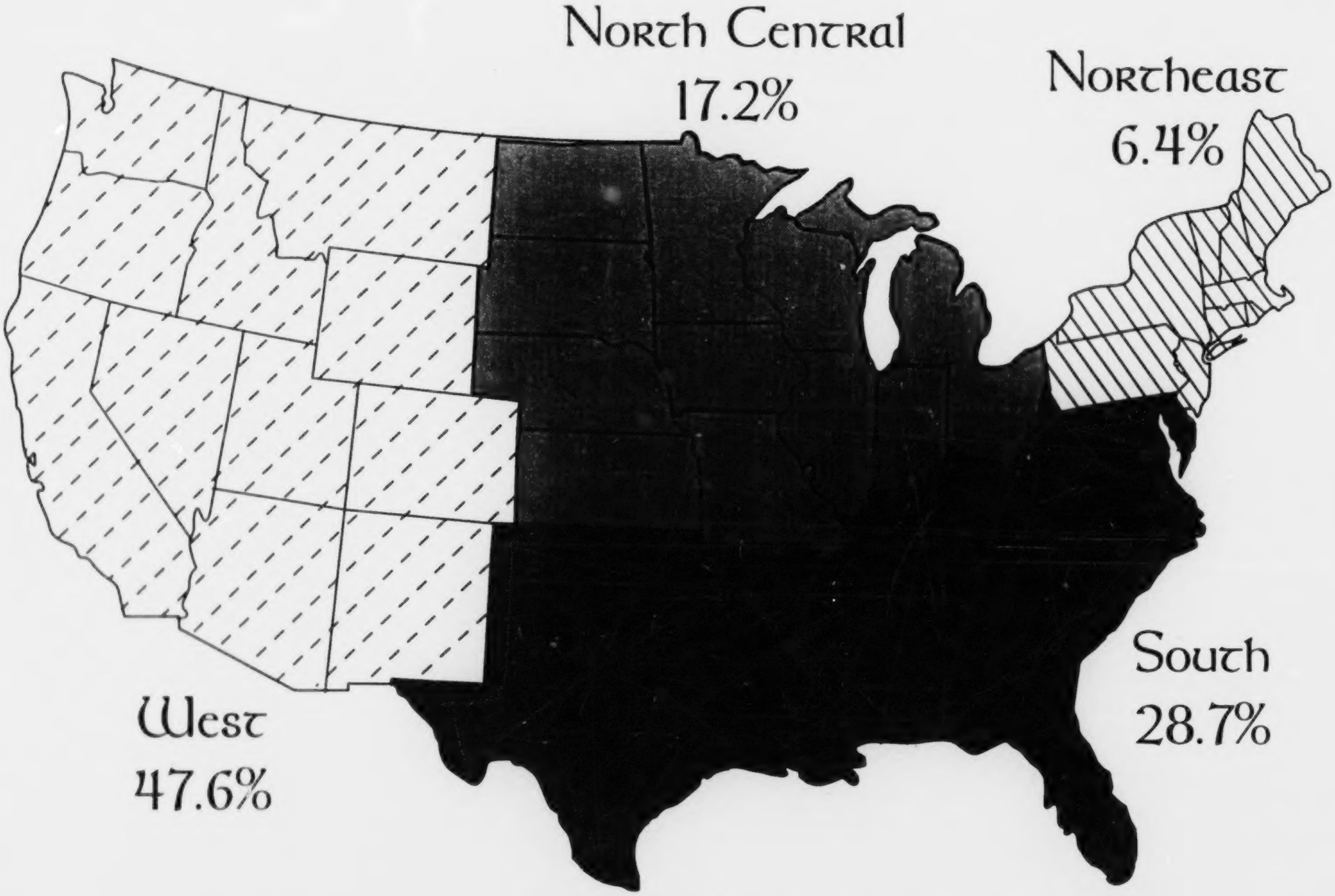
By 1829, the
population of
the United States
was 12.5 million.



By 1860, the population of the United States was 31 million.

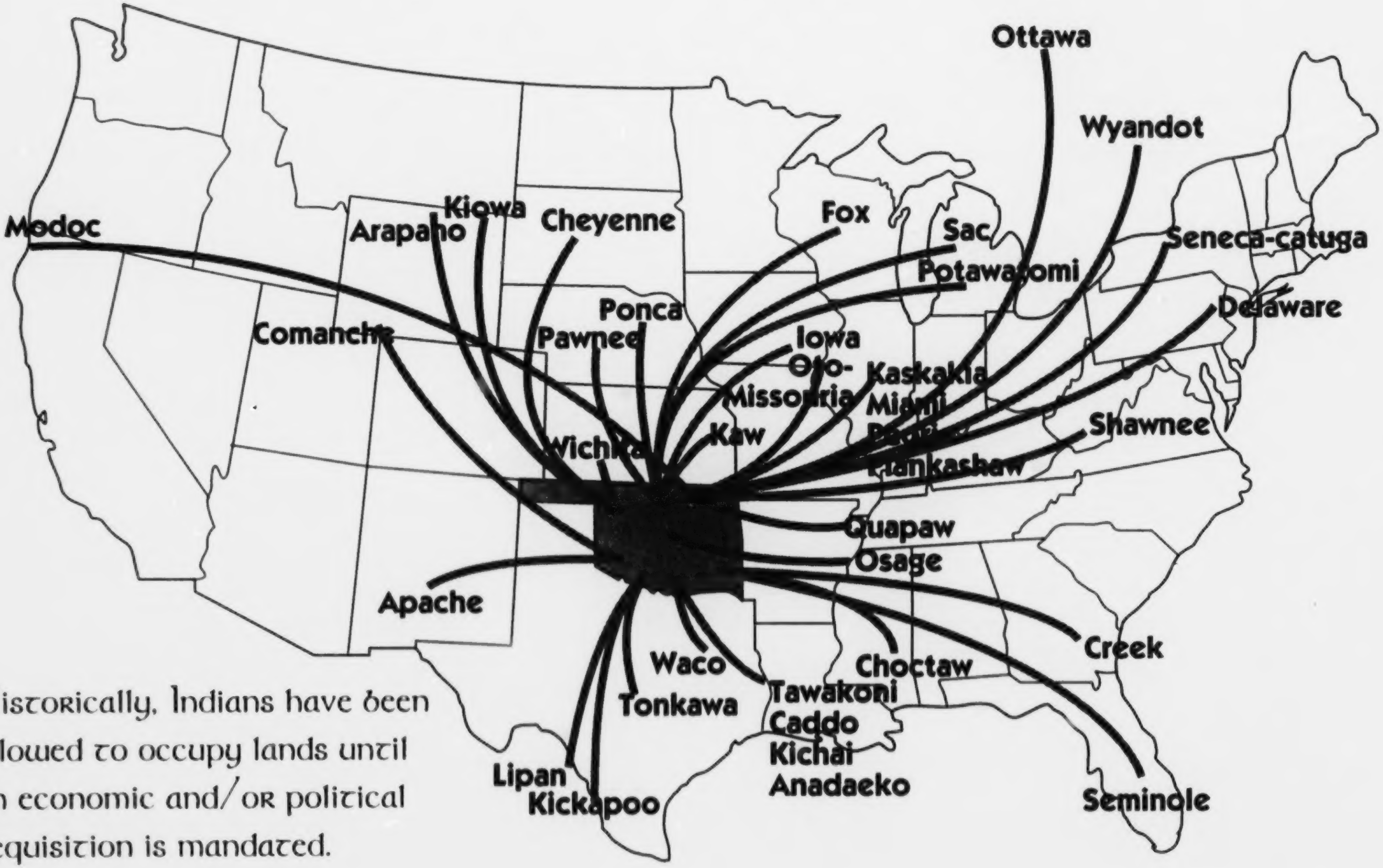
By 1890, the population of the United States was 63 million.




North Central
17.2%
Northeast
6.4%
South
28.7%
West
47.6%

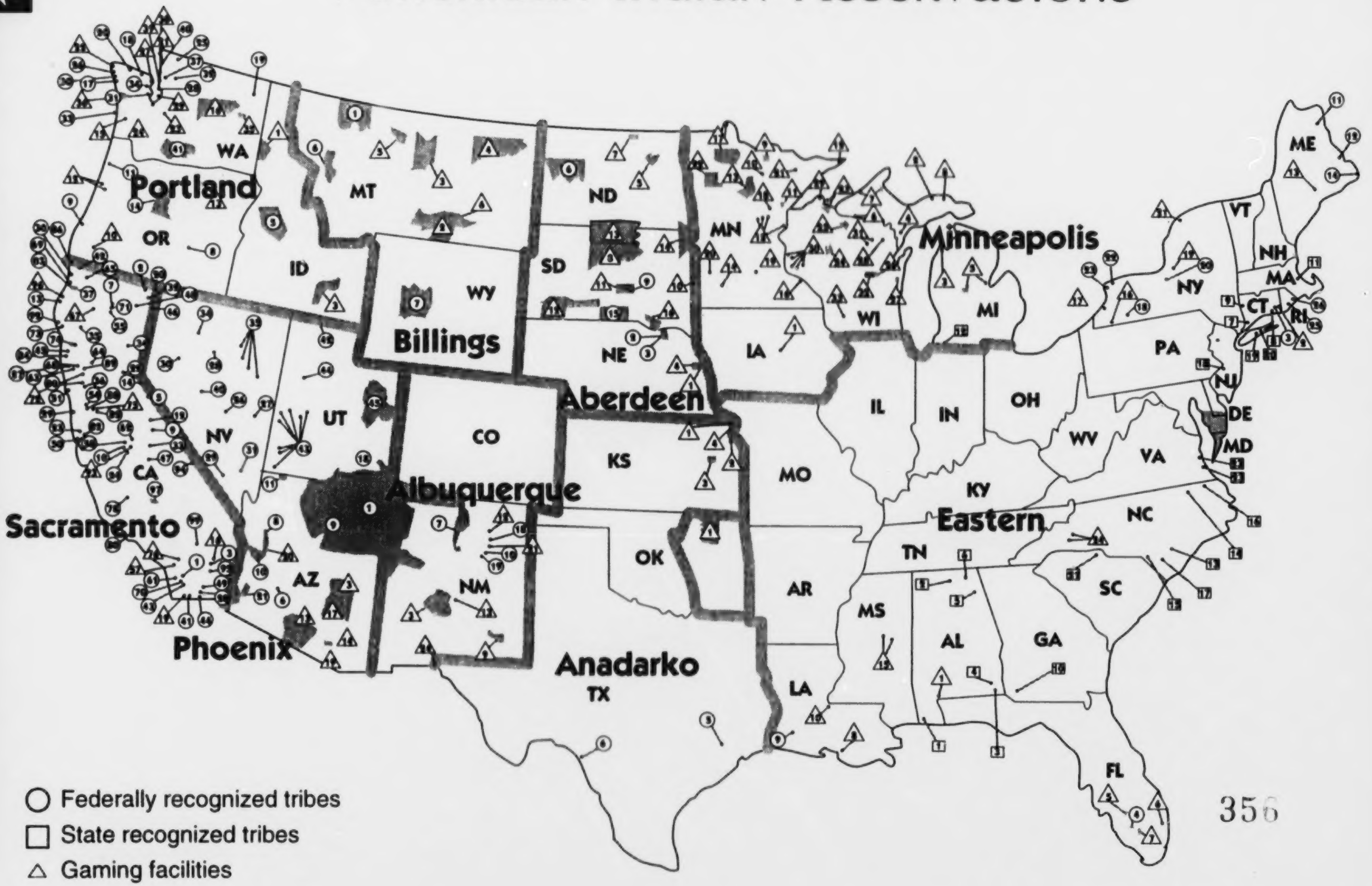
National Distribution of Native Americans

Oklahoma Indian Relocation History


Ottawa
Wyandot
Modoc
Kiowa
Arapaho
Cheyenne
Fox
Sac
Seneca-catuga
Potawatomi
Delaware
Ponca
Comanche
Pawnee
Iowa
Oto-
Missouria
Kaskakia
Miami
Peoria
Kaw
Wichita
Shawnee
Piankashaw
Quapaw
Osage
Apache
Creek
Waco
Choctaw
Tonkawa
Tawakoni
Caddo
Kichai
Anadaeko
Lipan
Kickapoo
Seminole

Historically, Indians have been allowed to occupy lands until an economic and/or political requisition is mandated.

American Indian Reservations


Portland
Sacramento
Phoenix
Billings
Albuquerque
Aberdeen
Anadarko
Minneapolis
Eastern
WA
OR
ID
MT
WY
CA
NV
UT
AZ
CO
NM
ND
SD
NE
KS
OK
TX
MN
IA
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AR
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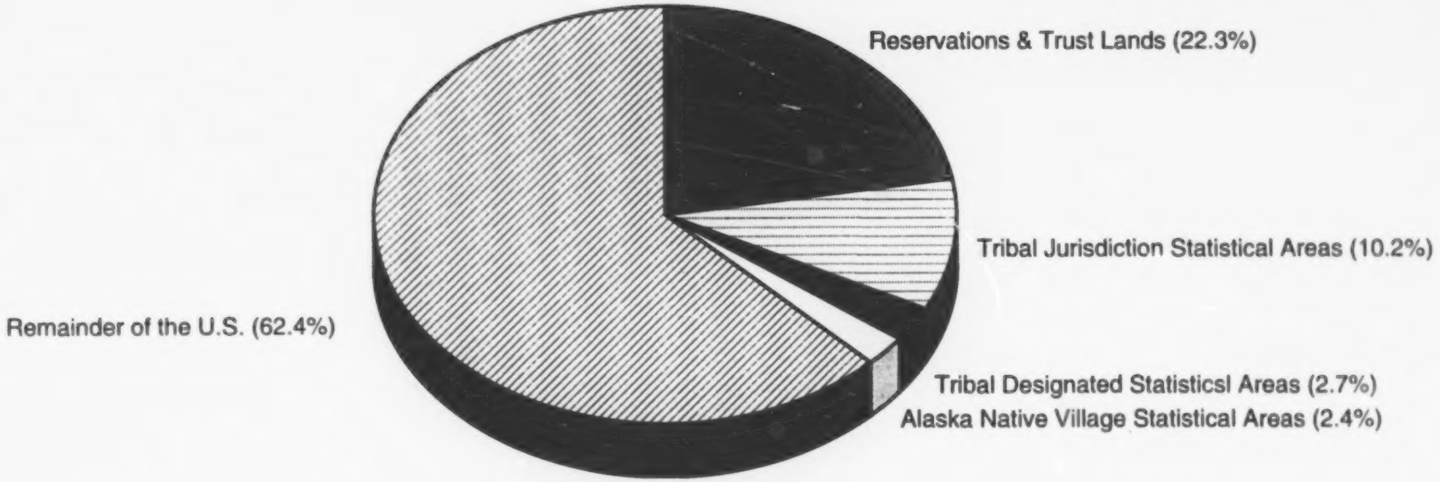
WI
IL
MI
IN
OH
KY
TN
MS
AL
GA
FL
SC
NC
VA
WV
MD
DE
NJ
PA
NY
VT
NH
ME
MA
CT
RI
○ Federally recognized tribes
☐ State recognized tribes
△ Gaming facilities

American Indians, Eskimos, and Aleuts by Type of Area: 1990

(Percent Distribution)

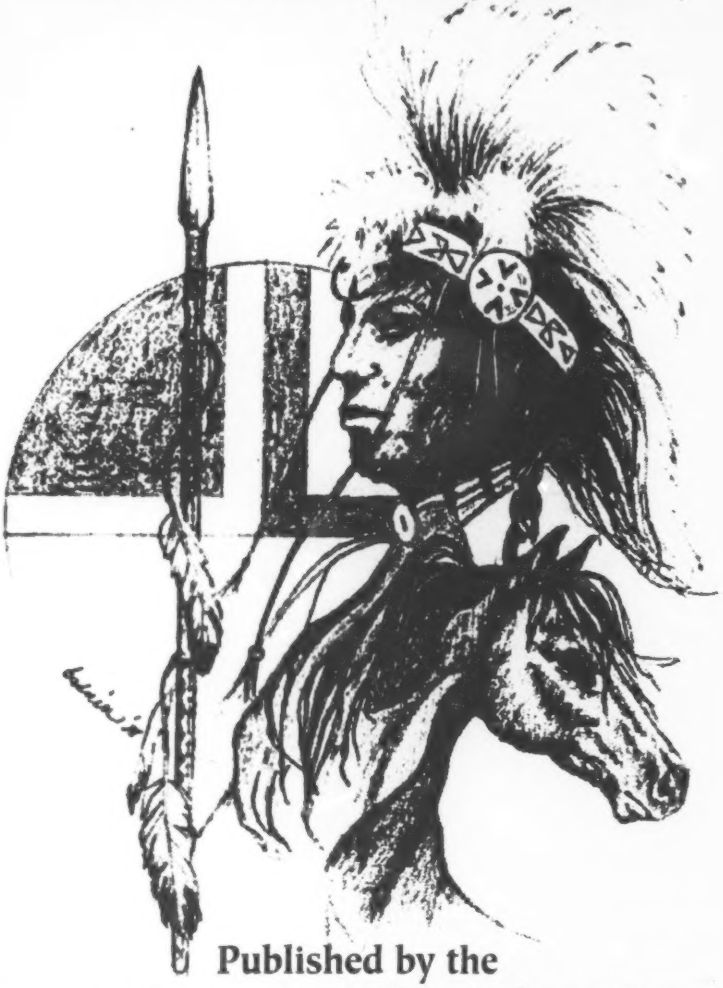


Total American Indian, Eskimo, and Aleut Population = 2.0 million

Companion Piece

Please Return to:
Indian Law-Related Education
Curriculum Guide

Directory of Indian Education Programs in Montana



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DIRECTORY OF INDIAN EDUCATION PROGRAMS IN MONTANA
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This directory was compiled and published by the Montana Advisory Council for Indian Education and the Montana Office of Public Instruction. We hope that it will be useful to anyone needing information regarding schools or programs in Montana that provide educational services to Indian people.

Nancy Keenan
Superintendent of Public Instruction

Norma Bixby, Chairperson
Montana Advisory Council for Indian Education

MONTANA ADVISORY COUNCIL FOR INDIAN EDUCATION
1994

Minerva Allen
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Hays-Lodge Pole Public Schools
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***Montana Association for Bilingual Education**

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Larry LaCounte
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The University of Montana
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Phone: 406-727-1101
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Superintendent
Heart Butte Schools
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***Indian Impact Schools of Montana**

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***Board of Public Education**

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Crow Tribe
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Crow Agency, MT 59022
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***Crow Tribe**

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Wilhemina Wright
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Arlee, MT 59821
Phone: 406-726-3216
***Montana Federation of Teachers**

***Representing**

BOARD OF PUBLIC EDUCATION

Governor Marc Racicot . . . . **ex officio**
Superintendent of Public Instruction Nancy Keenan . . . . **ex officio**
Commissioner of Higher Education Dr. Jeffrey Baker . . . . **ex officio**

Wilbur Anderson
(Chairperson)
1222 East Center
Dillon, MT 59725
Term Expires 2-1-99

Storrs Bishop
PO Box 667
Ennis, MT 59729
Term Expires 2-1-96

Ron Fernelius
PO Box 2905
Missoula, MT 59806
Term Expires 2-1-97

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Lewistown, MT 59457
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Billings, MT 59102
Term Expires 2-1-00

Sally Listerud
(Vice Chairperson)
PO Box 937
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Term Expires 2-1-98

Joyce Silverthorne
PO Box 149
Dixon, MT 59831
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(Student Member)
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Miles City, MT 59301

Dr. Wayne Buchanan
(Executive Secretary)
MT Board of Public Education
2500 Broadway
Helena, MT 59620-0601
Phone: 444-6576

BOARD OF REGENTS

Governor Marc Racicot . . . . ex officio
Superintendent of Public Instruction Nancy Keenan . . . . ex officio
Commissioner of Higher Education Dr. Jeffrey Baker* (444-6570) . . . . ex officio

*The Commissioner of Higher Education serves as secretary to the Board of Regents.

Jim Kaze (Chairperson)
PO Box 7152
Havre, MT 59501
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Paul Boylan
3747 South 19th Road
Bozeman, MT 59715
Term Expires 2-1-98

Colleen Conroy
PO Box 516
Hardin, MT 59034
Term Expires 2-1-01

Pat Davison
PO Box 7094
Billings, MT 59103
Term Expires 2-1-00

Cordell Johnson
Gough, Shanahan, Johnson &
Waterman
PO Box 1715
Helena, MT 59624
Term Expires 2-1-96

Kermit Schwanke
619 Beverly Avenue
Missoula, MT 59801
Term Expires 2-1-97

Jim Brown (Student Regent)
PO Box 256
Libby, MT 59923
Term Expires 6-1-95

OFFICE OF PUBLIC INSTRUCTION

General Information	
PO Box 202501, Helena 59620-2501	444-3095
Superintendent's Office, Room 106, State Capitol, Helena 59620	
Superintendent, Nancy Keenan	444-7362
Deputy Superintendent, Jack Copps	444-5643
Department of Accreditation & Curriculum Services	444-3693
1300 11th Avenue, Helena 59620	
Assistant Superintendent, Gail Gray	444-2089
Administrator, Nancy Coopersmith	444-5541
Department of Operations, 1227 11th Avenue, Helena 59620	444-3095
Assistant Superintendent, Gregg Groepper	444-3169
Administrator, Kathy Fabiano	444-2562

Assignment Area	Name/Title	Telephone
Accreditation	Gail Gray, Assistant Superintendent	444-2089
	Sue Dandliker, Specialist	444-3128
Adult Education	Bob Ruthemeyer, Specialist	444-4443
Adult Education Accounting	Maxine Mougeot, Accounting Specialist	444-2560
Agriculture Education	Leonard Lombardi, Specialist	444-4451
AIDS Education	Rick Chiotti, Director	444-1963
	Laurie Volesky-Kops, Specialist	444-3178
Alternative Standards	Sue Dandliker, Specialist	444-3128
Analysts	Dori Nielson, Education Analyst	444-3656
	Madalyn Quinlan, Revenue Analyst	444-3168
	Jan Thomson, Management Analyst	444-4305
Apprenticeship Education	Jeff Wulf, Specialist	444-4452
Arts Education	Julia Smith, Specialist	444-4442
Asbestos Education	Jim Whealon, Specialist	444-2413
	Jeff Wulf, Specialist	444-4452
BBS/MetNet Modem		444-2068
Bicycle/Pedestrian Safety	Mary Cheryl Larango, Specialist	444-0516
Bilingual Education	Angela Branz-Spall, Director	444-2423
	Lynn Hinch, Specialist	444-3482
Board of Public Education Liaison	Jack Copps, Deputy Superintendent	444-5643
Bus Driver Certification	Linda Atwood, Coordinator	444-3096
Business/Office Education	Marion Reed, Specialist	444-4454
Career Education	Judy Birch, Specialist	444-5663
Centralized Services	Kathy Fabiano, Administrator	444-2562
Certification	Don Freshour, Director	444-3150
	Marilyn Roberts, Specialist	444-3150
Chapter 1	B.J. Granbery, Administrator	444-4420
	John Ericksen, Specialist	444-5443
	Ron Lukenbill, Specialist	444-2080
	Joan Morris, Specialist	444-3083
	Marsha Davis, Specialist	444-3114

Chapter 1 Accounting	**Nona Rens, Accounting Specialist**	**444-3408**
Chapter 2	**Kathleen Mollohan, Specialist**	**444-4317**
Chapter 2 Accounting	**Maxine Mougeot, Accounting Specialist**	**444-2560**
Chapter 2 Effective Schools	Nancy Coopersmith, Administrator	444-5541
Child Abuse/Sexual Abuse	Judy Birch, Specialist	444-5663
Community Education	Bob Ruthemeyer, Specialist	444-4443
Computer Education	Diana Oldham, Specialist	444-4436
Cooperative Food Purchase	Gary Watt, Director	444-2501
	Kenadine Johnson, Cooperative Bid Coordinator	444-4412
County Superintendents' Liaison	Gail Gray, Assistant Superintendent	444-2089
	Joan Anderson, Director	444-1960
Deaf/Blind	Francisco Roman, Specialist	444-4426
Distance Learning	See Educational Technology	
District Superintendents' Liaison	Jack Copps, Deputy Superintendent	444-5643
Division Administrators	Basic Education, Linda Vrooman Peterson	444-5726
	Chapter 1, B.J. Granbery	444-4420
	Equity, Bob Parsley	444-3013
	Health Enhancement/School Foods, Spencer Sartorius	444-4434
	Special Education, Bob Runkel	444-4429
	Traffic Education, Curt Hahn	444-4432
	Vocational Education/Adult Services, Jim Burns	444-4437
Driver Education	Curt Hahn, Specialist	444-4432
Dropout Data	Dori Nielson, Education Analyst	444-3656
Drug-Free Schools & Communities	Judy Birch, Co-Director	444-5663
	Rick Chiotti, Co-Director	444-1963
Drug-Free Schools & Communities Accounting	Maxine Mougeot, Accounting Specialist	444-2560
EEO (Equal Employment Opportunity)	Vacant	444-3032
Early Childhood	June Atkins, Specialist	444-3664
Educational Technology	Scott Buswell, Director	444-4326
	Bob Morris, Telecommunications Division Administrator	444-3031
	Gail Kramlick, Telecommunications/Networks	444-4411
	Roger Fuchs, Telecommunications/Networks	444-0500
	Steve Meredith, Star Schools/Satellite Telecommunications Coordinator	444-3563
	Betsy Nordell, METNET BBS Sysop	444-1626
	Mary Graff, METNET BBS Sysop	444-2765
	Fran Briggeman, METNET Administrative Support	444-3448
Educational Data	Dori Nielson, Education Analyst	444-3656
Effective Schools Program	Nancy Coopersmith, Administrator	444-5541
Effective Schools Accounting	Maxine Mougeot, Accounting Specialist	444-2560
Elementary Curriculum	June Atkins, Specialist	444-3664
English/Language Arts	Jan Hahn, Specialist	444-3714
Family and Consumer Services	Laurie Stelter, Specialist	444-2059
FFA-Future Farmers of America	Leonard Lombardi, Specialist	444-4451
FHA/HERO-Future Homemakers of America/Home Economics Related Occupations	Laurie Stelter, Specialist	444-2059
Food Distribution/USDA Donated Food	Gary Watt, Director	444-2501
	Sandy McEwen, Food Dist. Coord	444-4415
	Gordon Conn, Asst. Food Dist. Coord	444-4416
Foreign Language	Duane Jackson, Specialist	444-3129
Foundation/BASE Program	Joan Anderson, Director	444-1960
	Bonnie Maze, Specialist	444-3249

GAAP Training	Jim Oberembt, Supervisor	444-1257
	Vacant, Specialist	444-0252
	Doug Kosty, Specialist	444-1962
GED (General Educ. Development)	Karen Sullivan, Specialist	444-4438
Gender Equity	Kathy Bramer, Specialist	444-1952
Gifted & Talented	Michael Hall, Specialist	444-4422
Gifted & Talented Accounting	Sylvia Stevens, Accounting Specialist	444-4403
Guaranteed Tax Base Aid	Jan Thomson, Management Analyst	444-4305
	Joan Anderson	444-1960
Guidance & Counseling	Judy Birch, Specialist	444 5663
Health Enhancement	Spencer Sartorius, Director	444-4434
Home Economics	Laurie Stelter, Specialist	444-2059
Home/Private Schools	Pat Wade, Program Assistant	444-2509
Homeless Adults	Bob Ruthemeyer, Specialist	444-4443
Homeless Youth	Terry Teichrow, Specialist	444-2036
Human Resources	Vacant, Personnel Officer	444-3032
IDEA (EHA-B)	Marilyn Pearson, Specialist	444-4428
IDEA (EHA-B) Accounting	Lynnette Lake	444-2563
Immunization	Paul Lamphier, Dept. of Health	444-4740
Immigrant/Refugee	Angela Branz-Spall, Director	444-2423
Impact Aid	Denise Nielsen, Specialist	444-3024
Indian Education	Bob Parsley, Director	444-3013
Indian School Funding P.L. 81-874	Denise Nielsen, Specialist	444-3024
	Joan Anderson, Director	444-1960
Industrial & Technology Education	Jeff Wulf, Specialist	444-4452
Johnson O'Malley Accounting	Sylvia Stevens, Accounting Specialist	444-4403
Job Training Partnership Act	Jim Burns, Director	444-4437
JTPA Accounting	Maxine Mougeot, Accounting Specialist	444-2560
Kindergarten Curriculum	June Atkins, Specialist	444-3664
Kindergarten Variances	Sue Dandliker, Specialist	444-3128
Land Board	Madalyn Quinlan, Revenue Analyst	444-3168
Language Arts	Jan Hahn, Specialist	444-3714
Law-Related Education	Lorrie Monprode-Holt, Specialist	444-2979
Legal Questions	Kathleen Holden, Attorney	444-4402
	Geralyn Driscoll, Attorney	444-4402
Legislative Issues	Holly Kaleczyc, Communications Officer	444-4397
Library Media	Diana Loble Boom	444-3132
Macintosh Lab	Gail Hanson, Supervisor	444-4424
Mathematics Education	Diana Oldham, Specialist	444-4436
Math/Science Accounting	Maxine Mougeot, Accounting Specialist	444-2560
METNET	See Education Technology	
Middle School Curriculum	Duane Jackson, Specialist	444-3129
Middle School/7-8 Grades Accreditation	Sue Dandliker, Specialist	444-3128
Migrant Education	Angela Branz-Spall, Director	444-2423
Montana High School Assoc. Liaison	Kathy Bramer, Specialist	444-1952
Montana Schools	Sanna Kiesling, Editor	444-3160
Motorcycle Safety	Jim Bernet, Specialist	444-4569
National Diffusion Network	Pat Johnson, Specialist	444-2736
National Origin	Angela Branz-Spall, Director	444-2423
	Lynn Hinch, Specialist	444-3482

NCATE-National Council for Accreditation of Teacher Education	Don Freshour, Director	444-3150
Northwest Accreditation Liaison	Gail Gray, Assistant Superintendent	444-2089
Nutrition Education	Katie Bark, MSU	994-5641
Payroll/Accounting	Bekki Flanagan, Accounting Technician	444-4407
Personnel	Vacant, Personnel Officer	444-3032
Physical Education/Health	Spencer Sartorius, Director	444-4434
PL81-874	Denise Nielsen, Specialist	444-3024
Preschool	Dan McCarthy	444-4425
PIR Reports	Sue Dandliker, Specialist	444-3128
Publications	Sanna Kiesling, Editor	444-3160
Pupil Transportation Reimbursement	Linda Atwood, Coordinator	444-3096
Pupil Transportation Safety	David Huff, Specialist	444-4396
Pupil Transportation, Special Ed Funding	Marilyn Pearson, Specialist	444-4428
Race/Equity	Bob Parsley, Director	444-3013
Reading Education	June Atkins, Specialist	444-3664
Resource Center	Cheri Bergeron, Librarian	444-2083
Rural Education	Nancy Coopersmith, Administrator	444-5541
Satellite Room	Steve Meredith, Star Schools/Satellite Telecommunications Coordinator	444-3563
School Business Officials/Clerks Liaison	Joan Anderson, Director	444-1960
School Budgets	Joan Anderson, Director	444-1960
	Bonnie Maze, Specialist	444-3249
School District Audits	Jim Oberembt, Supervisor	444-1257
School District Personnel	Dori Nielson, Analyst	444-3656
School District Reports	Dori Nielson, Analyst	444-3656
School Enrollment	Denise Nielsen, Specialist	444-3024
School Food Services	Spencer Sartorius, Administrator	444-4434
	Gary Watt, Director	444-2505
	Sofia Jarnik, Program Officer	444-2521
	Mary McAulay, Specialist	444-4413
	Ralph Kroon, Specialist	444-2502
School Food Accounting	Sylvia Stevens, Accounting Specialist	444-4403
Science Education	Vacant, Specialist	444-4439
Sex Desegregation	Kathy Bramer, Specialist	444-1952
Sexual & Child Abuse	Judy Birch, Specialist	444-5663
Social Studies	Linda Vrooman Peterson, Director	444-5726
Special Education	Bob Runkel, Director	444-4429
	Susan Bailey, Personnel Development/Monitoring Specialist	444-2046
	Mike Chapman, Computer Application Specialist	444-4430
	Dan McCarthy, Preschool Specialist	444-4425
	Francisco Roman, Deaf/Blind Specialist	444-4426
	Sue Paulson, Policy/Monitoring Specialist	444-5664
	Tim Harris, Transition/Monitoring Specialist	444-1579
	Marilyn Pearson, Special Education/Federal Specialist	444-4428
	Dori Nielson, Finance Officer	444-3656
Special Education Accounting	Lynnette Lake, Accounting Specialist	444-2563
Standardized Testing	Dori Nielson, Analyst	444-3656
Star Schools	Steve Meredith, Star Schools/Satellite Telecommunications Coordinator	444-3563
State Special Education Aid	Joan Anderson, Director	444-1960
Student Assessment	Dori Nielson, Analyst	444-3656
Student Testing	Dori Nielson, Analyst	444-3656

Summer Food Service	Gary Watt, Director	444-2501
	Ralph Kroon, Program Officer	444-2502
Superintendent's Scheduling	Thea Van Nice	444-5658
TDD (Tele Device for Deaf)		444-1812
Teacher Education	Don Freshour, Director	444-3150
Title IX	Kathy Bramer, Specialist	444-1952
Traffic/Driver Education	Curt Hahn, Administrator	444-4432
Transportation Aid	Joan Anderson, Director	444-1960
	Linda Atwood, Coordinator	444-3096
Veterans Education	Jim Burns, Director	444-4437
VICA	Jeff Wulf, Specialist	444-4452
Vocational Education	Jim Burns, Administrator	444-4437
	Jim Whealon, Director	444-2413
Vocational Education Accounting	Sylvia Stevens, Accounting Specialist	444-4403
Word Processing	Gail Hansen, Supervisor	444-4424

OFFICE OF PUBLIC INSTRUCTION FAX AND TDD NUMBERS

1300 11th Avenue	444-3924
1227 11th Avenue	444-1369
Capitol	444-2893
School Food, 1230 11th Avenue	444-2955
TDD, 1300 11th Avenue	444-1812

BOARD OF PUBLIC EDUCATION FAX	444-0684
OPI BBS/METNET Modem	444-2068
OPI BBS/METNET (out of Helena access)	800-346-8654

MONTANA RELAY SERVICE

(Telcom for hard-of-hearing, speech-impaired or deaf)	444-1335
TDD users	800-253-4091
Voice users	800-253-4093
AT&T TDD	800-855-1155

MONTANA TRIBAL CHAIRPERSONS

ASSINIBOINE & SIOUX TRIBES
Caleb Shields, Chairperson
Fort Peck Tribes
PO Box 1027
Poplar, MT 59255
Phone: 406-768-5155
FAX: 406-768-5478

BLACKFEET TRIBE
Earl Old Person, Chairperson
Blackfeet Tribal Business Council
PO Box 850
Browning, MT 59417
Phone: 406-338-7179
FAX: 406-338-7530

CHIPPEWA-CREE TRIBE
John Sunchild, Sr., Chairperson
Raymond Parker, Vice Chairperson
Chippewa Cree Business Committee
Rocky Boy Route, #544
Box Elder, MT 59521
Phone: 406-395-4282
FAX: 406-395-4497

CONFEDERATED SALISH & KOOTENAI TRIBES
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Pablo, MT 59855
Phone: 406-675-2700
FAX: 406-675-2806

CROW TRIBE
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Crow Tribal Council
PO Box 159
Crow Agency, MT 59022
Phone: 406-638-2601
FAX: 406-638-7283

GROS VENTRE & ASSINIBOINE TRIBES
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Fort Belknap Community Council
PO Box 249
Harlem, MT 59526
Phone: 406-353-2205
FAX: 406-353-2797

LITTLE SHELL TRIBE
Debbie Swanson, Chairperson
Box 347, 307 First Street
Havre, MT 59501
Phone: 406-265-2741
FAX: 406-265-2741

NORTHERN CHEYENNE TRIBE
Llevando "Cowboy" Fisher, Sr., Chairperson
Northern Cheyenne Tribal Council
PO Box 128
Lame Deer, MT 59043
Phone: 406-477-6284
FAX: 406-477-6210

Kathleen M. Fleury, Coordinator of Indian Affairs
Lori K. McGowan, Assistant
Office of the Governor
Room 202, State Capitol
Helena, MT 59620
Phone: 406-444-3702
FAX 406-444-1350

MONTANA INDIAN EDUCATION ASSOCIATION
BOARD OF DIRECTORS

Janice Brockie
PO Box 1053
Hays, MT 59527
Phone: W:406-353-2205
H:406-673-3170
FAX: 406-673-3362
1-year term, 1994-95

Darryl Crasco
HE 63, Box 5050
Dodson, MT 59524
Phone: W:406-353-2205
H:406-673-3208
FAX: 406-353-2797
1-year term, 1994-95

Ramona Croft
PO Box 1201
Browning, MT 59417
Phone:
FAX: 406-338-2708
1-year term, 1994-95

Paula Hawley
PO Box 54
Hays, MT 59527
Phone: 406-673-3477
FAX: 406-673-3208
1-year term, 1994-95

Stan Juneau
c/o Browning Schools
PO Box 610
Browning, MT 59417
Phone: W:406-338-2715
H: 406-338-5689
FAX: 406-338-2708
2-year term, 1994-96

Bernard Lambert
PO Box 237
Hays, MT 59527
Phone: W:406-673-3220
H:406-673-3503
FAX: 406-673-3415
3-year term, 1992-95

Desiree Lambert
PO Box 237
Hays, MT 59527
Phone: W:406-673-3120
H:406-673-3502
FAX: 406-673-3415
3-year term, 1994-97

Edward Parisian
c/o Heart Butte School
PO Box 259
Heart Butte, MT 59448
Phone: W:406-338-2200
FAX: 406-338-2088
3-year term, 1994-97

Theodora Weatherwax (Chairperson)
PO Box 1018
Browning, MT 59417
Phone: W:406-338-2756
H: 406-338-7554
FAX: 406-338-2708
1-year term, 1994-95

Deborah Wetsit
117 Wapikiya Drive
Missoula, MT 59803
Phone: W:406-243-4247
H:406-251-2168
FAX: 406-243-4205
2-year term, 1994-96

ADMINISTRATORS FOR SCHOOLS ON OR NEAR RESERVATIONS

BLACKFEET

Browning Public Schools
District No. 9
PO Box 610
Browning, MT 59417
Phone: 406-338-2715
Superintendent: Don Wetzel

Cut Bank Public Schools
District No. 15
101 3rd Avenue SE
Cut Bank, MT 59427
Phone: 406-873-2229
Superintendent: Dennis Roseleip

East Glacier Park Elementary
District No. 50
Drawer 70
East Glacier Park, MT 59434
Phone: 406-226-5543
Principal: Delores Bird

Heart Butte Public Schools
District No. 1
PO Box 259
Heart Butte, MT 59448
Phone: 406-338-2200
Superintendent: Edward F. Parisian

Valier Public Schools
District No. 18
PO Box 528
Valier, MT 59486
Phone: 406-279-3311
Superintendent: Joe Brott

CROW

Hardin Public Schools
Districts No 17H & 1
Route 1, Box 1001
Hardin, MT 59034
Phone: 406-665-1304
Superintendent: Rodney Svee

Lodge Grass Public Schools
Districts No. 27 & 2
Drawer AF
Lodge Grass, MT 59050
Phone: 406-639-2304
Superintendent: Dr. Ray Phipps

Pryor Public Schools
Districts No. 2 & 3
PO Box 229
Pryor, MT 59066
Phone: 406-259-7329
Superintendent: Daniel Sybrant

Wyola Elementary School
District No. 29
PO Box 66
Wyola, MT 59089
Phone: 406-343-2722
Superintendent: Terry Loveland

FLATHEAD

Arlee Public Schools
District No. JT&8
PO Box 37
Arlee, MT 59821
Phone: 406-726-3216
Superintendent: Christopher Hagar

Charlo Public Schools
District No. 7J
PO Box 10
Charlo, MT 59824
Phone: 406-644-2207
Superintendent: Steven Gaub

Dixon Elementary School
District No. 9
PO Box 10
Dixon, MT 59831
Phone: 406-246-3566
Supervising Teacher: Keith Cable

Hot Springs Public Schools
District No. 14-J
Drawer T
Hot Springs, MT 59845
Phone: 406-741-3285
Superintendent: Merle Farrier

Polson Public Schools
District No. 23
111 4th Avenue East
Polson, MT 59860
Phone: 406-883-6355
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Ronan Public Schools
District No. 30
Drawer R
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St. Ignatius Public Schools
District No. 28
PO Box 400
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Phone: 406-745-3509
Superintendent: John Matt

FORT BELKNAP

Dodson Public Schools
Districts No. 2-A & C
PO Box 278
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Phone: 406-383-4362
Superintendent: Nellie Sherman

Harlem Public Schools
District No. 12
PO Box 339
Harlem, MT 59526
Phone: 406-353-2289
Superintendent: Dr. Gayle Crane

Hays-Lodge Pole Public Schools
District No. 50
PO Box 110
Hays, MT 59527
Phone: 406-673-3120
Superintendent: Bernard Lambert

FORT PECK

Brockton Public Schools
Districts No. 55 & 55F
PO Box 198
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Superintendent: Dr. James Hall

Culbertson Public Schools
Districts No. 17J/R & 17C/R
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Phone: 406-787-6246
Superintendent: Dr. Patrick Stuber

Frazer Public Schools
Districts No. 2 & 2B
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Superintendent: Ken Bondy

Poplar Public Schools
Districts No. 9 & 9B
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Phone: 406-768-3637
Superintendent: Douglas Sullivan

Wolf Point Public Schools
Districts No. 45 & 45A
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Wolf Point, MT 59201
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Superintendent: Lorence B. Simonsen

NORTHERN CHEYENNE

Ashland Elementary School
District No. 32J
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Ashland, MT 59003
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Colstrip Public Schools
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Superintendent: Alice Jagiello

Lame Deer Public Schools
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ROCKY BOY

Box Elder Public Schools
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Havre Public Schools
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Rocky Boy Public Schools
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PAROCHIAL SCHOOLS

St. Paul's Mission (Elementary)
Sister Helen
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Pretty Eagle School (Elementary)
Larry Cunningham
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St. Charles School (Elementary)
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St. Labre Indian School
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Bob Tailfeathers, Acting Dean of Student Services

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Doreen Pond, VP for Business Affairs

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PO Box 485, Bemidji, MN 56601

Indigenous Women's Network
PO Box 174, Lake Elmo, MN 55042
Phone: 612-777-3629

Institute of American Indian Art
PO Box 6726, Santa Fe, NM 87502
Phone: 505-988-6289

Interface Consultants, Inc.
Title VII, Region IX
Multifunctional Service Center
4800 S.W. Griffith Dr., Suite 202
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Desegregation Assistance Center
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National Advisory Council on Indian Education
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Mail Stop 2419, Washington, DC 20202-7556
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National Congress of American Indians
Route 2, PO Box 2700, Hayward, WI 54843
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National Indian Bilingual Center
Arizona State University, Tempe, AZ 85287

National Indian Child Conference
Save the Children Federation
129 Jackson NE, Albuquerque, NM 87108
Phone: 505-265-8705

National Indian Counselors Association
University of Kansas, 208 Strong Hall
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National Indian School Boards Association
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National Tribal Chairman's Association
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Native American Council
404 Lafayette St, New York, NY 10003
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Native American Public Broadcasting Consortium
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Native American Rights Fund
1506 Broadway, Boulder, CO 80302
Phone: 303-447-8760

Native California Network
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North American Indian Women's Association
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310 West 52nd St, New York, NY 10019
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Tekakwitha Conference
PO Box 6759, Great Falls, MT 59406

United National Indian Tribal Youth (UNITY)
PO Box 25042, Oklahoma City, OK 73125
Phone: 405-424-3010

U.S. Department of Education
Indian Education Programs
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300 College Drive
Glendive, MT 59330
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Flathead Valley Community College
777 Grandview Drive
Kalispell, MT 59901
Phone: 406-756-3822 / FAX: 406-756-3815
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Miles Community College
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Miles City, MT 59301
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Fort Yates, ND 58538
Phone: 701-854-3861 / FAX: 701-854-3403

Turtle Mountain Community College
Carol Davis, Acting
PO Box 340, Belcourt, ND 58316
Phone: 701-477-5605 / FAX: 701-477-5028

United Tribes Tech. College
David M. Gipp
33215 University Dr., Bismarck, ND 58504
Phone: 701-255-3285 / FAX: 701-255-1844

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Cheyenne River Community College
Joe Lends His Horse
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Phone: 605-964-8635 / FAX: 605-964-4060

Oglala Lakota College
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Phone: 605-455-2321 / FAX: 605-455-2787

Sinte Gleska University
Lionel Bordeaux
PO Box 490, Rosebud, SD 57570
Phone: 605-747-2263 / FAX: 605-747-2098

Sisseton Wahpeton Community College
Gwen Hill
Agency Village, PO Box 689
Sisseton, SD 57262
Phone: 605-698-3966 / FAX: 605-698-3132

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Brimley, MI 49715
Phone: 906-248-3354 / FAX: 906-248-3351

Crownpoint Institute of Technology
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PO Box 849, Crownpoint, NM 87313
Phone: 505-786-5851 / FAX: 505-786-5644

D-Q University
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PO Box 409, Davis, CA 95617
Phone: 916-758-0470 / FAX: 916-758-4891

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Lac Courte Oreilles Ojibwa Community College
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PO Box 218, Tsaile, AZ 86556
Phone: 602-724-3311 / FAX: 602-724-3327

Nebraska Indian Community College
Thelma Thomas
PO Box 752, Winnebago, NE 68071
Phone: 402-878-2414 / 402-878-2522

Northwest Indian College
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2522 Kwina Road, Bellingham, WA 98226
Phone: 206-676-2772 / FAX: 206-738-0136

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Red Crow Community College
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Cardston, Alberta, Canada T1K 4E2
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Regina, Saskatchewan, Canada S4S 0A2
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Southwestern Indian Polytechnic Institute
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Albuquerque, NM 87184
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Labre Indian School
Ashland, MT 59003

Big Horn County News
204 N. Center
Hardin, MT 59034
Phone: 406-665-1008
FAX: 406-665-1012

Bilingual Education Newsletter
BMDC
PO Box 219
Crow Agency, MT 59022

Blackfeet Tribal News
Box 830
Browning, MT 59417
Phone: 406-338-7522/7179

Char Koosta
PO Box 278
Pablo, MT 59860
Phone: 406-675-3000
FAX: 406-675-2806

Flathead Courier
PO Box 1091
Polson, MT 59860

Glacier Reporter
PO Box R
Browning, MT 59417
Phone: 406-338-2090
FAX: 406-338-2410

Harlem News
PO Box 278
Harlem, MT 59538
Phone: 406-353-2441
FAX: 406-357-2959

Havre News
119 Second St.
Havre, MT 59501

The Herald
PO Box R
Hardin, MT 59034

Herald News
PO Box 639
Wolf Point, MT 59201

Hugh White Clay
Public Relations Director
Crow Tribe
PO Box 159
Crow Agency, MT 59022
Phone: 406-638-2601
FAX: 406-638-7283

Kalispell News
PO Box 669
Kalispell, MT 59901

Missoulian
PO Box 8029
Missoula, MT 59807

The Native Voice
c/o Tribal Education Department
Rocky Boy Route
Box Elder, MT 59521

The Newsletter
Attn: Suzanne Billy
Rocky Boy Rt. 544
Box Elder, MT 59521
Phone: 406-395-4372
FAX: 406-395-4497

Pikanipuwasin
(Blackfeet Community
Education Program)
PO Box 819
Browning, MT 59417

The Pioneer
PO Box F
Ronan, MT 59864

Pioneer Press
PO Box 478
Cut Bank, MT 59426

Smoke Signals
Northern Cheyenne
Follow Through Program
PO Box C
Lame Deer MT 59042
Phone: 406-477-6387

Tribal Newsletter
Attn: Leron Pine
Northern Cheyenne Tribe
PO Box 128
Lame Deer, MT 59043
Phone: 406-477-6284

Wotanin
PO Box 1027
Poplar, MT 59255
Phone: 406-768-5155
FAX: 406-768-5478

OTHER

Indian Country Today
PO Box 2180
Rapid City, SD 57709-2180
Phone: 605-341-0011

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Missoula, MT 59812
Phone: 406-243-2915 or 251-2168

EDUCATIONAL OPPORTUNITY CENTER

The Educational Opportunity Center program assists people who wish to continue their education. Outreach counselors provide information, guidance, and assistance in decision-making, filling out forms and getting connected to the support systems available to non-traditional students.

OUTREACH LOCATIONS IN MONTANA

Blackfeet Community College
PO Box 819
Browning, MT 59417
Emorie Davis-Bird, EOC Outreach Counselor
Phone: 406-338-5441, ext. 229

Flathead Valley Community College
777 Grandview Drive
Kalispell, MT 59901
Linda Ornowski, EOC Outreach Counselor
Phone: 406-756-3863

Fort Peck Community College
PO Box 398
Poplar, MT 59255
Patty Murray, EOC Outreach Counselor
Poplar Phone: 406-768-5553
Wolf Point Phone: 406-653-3247

Helena Job Service
715 Front Street
Helena, MT 59601
Joyce Kronholm, EOC Outreach Counselor
Phone: 406-449-6006 or 447-3200 or 447-3234

MSU College of Technology - Great Falls
2100 16th Avenue South
Great Falls, MT 59405
Willie Buck, EOC Outreach Counselor
Phone: 406-771-7140
Toll Free in Montana 1-800-446-2698

Montana State University-Northern
PO Box 7751
Havre, MT 59501-7751
Marty Foxman, EOC Outreach Counselor
Phone: 406-265-4141

Stone Child College
Rocky Boy Route
Box Elder, MT 59521
Mike Ley, EOC Outreach Counselor
Phone: 406-395-4313

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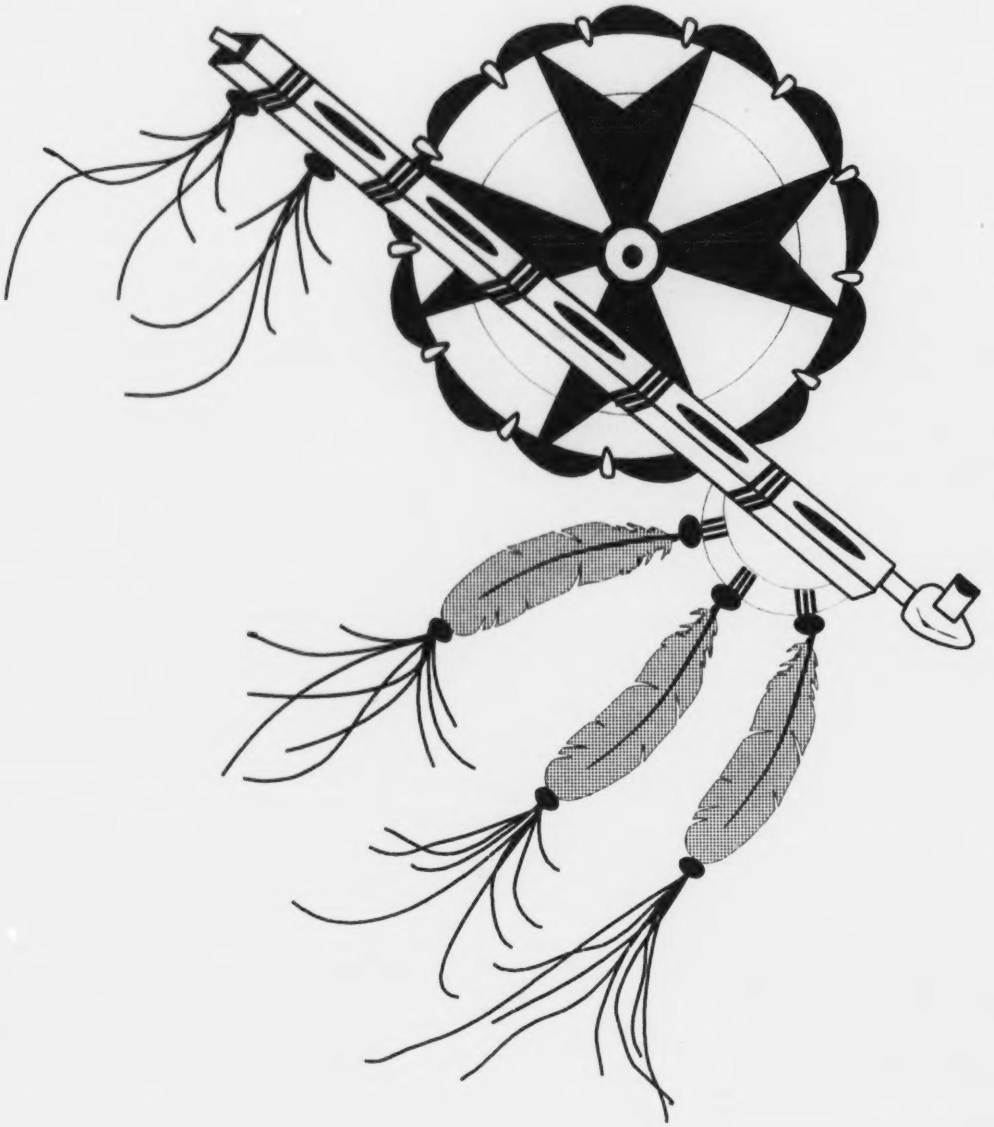
Companion Piece

Please return to:
Indian Law-Related Education
Curriculum Guide

EVALUATING AMERICAN INDIAN TEXTBOOKS & OTHER MATERIALS FOR THE CLASSROOM



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Introduction

The following pages are a collection of information and suggestions which are designed to help the teacher better review and evaluate textbooks and other materials for stereotypes, inaccuracies, omissions and bias about the American Indian. It is not intended to be a specific guide nor is it all inclusive. It is merely a resource to help the user become more sensitive and knowledgeable when selecting American Indian materials for classroom or recreational use.

Developed by:
Murton L. McCluskey, Ed.D.
Great Falls, Montana

PREFACE
&
INTRODUCTION

EVALUATING TEXTBOOKS

Preface

General awareness of some of the existing stereotypes and generalizations, as well as distortions and omissions, is the first step in evaluating biased educational materials. To assist and sensitize educators and publishers in developing awareness in the area of American Indian heritage, culture and contemporary issues, we have compiled some guidelines to be used in evaluating textbooks. These guidelines need not be limited to textbooks, but can be used for any kind of instructional and recreational materials used for the classroom.

The guidelines concentrate on three main areas: content, language and illustrations. They may be applied to materials on all grade levels. In the lower grades, students should be taught that all people are important and all ethnic groups make a very important contribution to American society, no matter what their background, race, sex, ethnic heritage, socio-economic background or religion. This teaching will give students a more concrete foundation for dealing with more difficult issues in later grades. Teachers should encourage students to be fair, flexible and open-minded in their attitudes about persons who come from a different background than they are from.

Educators and publishers often have a difficult time "undoing the damage." Therefore, it is very important that textbooks do not ratify existing stereotypes or create new ones. Even though textbooks are only one means of transmitting information, they are the most effective. Their influence is a daily one for millions of students of all ethnic backgrounds. One must remember that, in most cases, students do not have a say in the selection of their textbooks. Books are selected by school personnel and students are forced to learn from these selected texts. One has to remember that in selecting materials for classroom use:

"Everyone has the right to their opinion, a person has the right to be wrong. But a textbook has no right to be wrong, evade, distort, falsify history, or insult or malign a whole race of people. There is a difference between a book for general readership and one accepted for classroom use. In the first case, the individual has a choice, and this choice must be protected. The student has no choice. They are compelled to read from an approved text, and in this case, we must insist on the truth, accuracy and objectivity."[1]

These guidelines are not intended to be all inclusive. They are offered only as a starting point. Hopefully, they will lead educators and publishers to examine their current textbooks and to develop their own in-depth evaluation criteria. Even though most of the following content is directed toward textbooks, library books and other materials used in the classroom about American Indians should be given equal scrutiny and consideration.

We have chosen to use the terms *Indian* and *American Indian* when referring to our ethnic group. In the past, our people have been referred to as "Indians," "American Indians," "Amerindian" or "First Americans." As of late, they are being referred to as "Native Americans," "Native American Indians" or "Indigenous Peoples." We realize it is impossible to please everyone, but we will try to consistently use the terms *Indian* or *American Indian* for our text.

---

[1] Costo, Rupert. *Textbooks and the American Indian.* San Francisco, CAY: Indian Historian Press, 1970.

INTRODUCTION

Since most books and instructional materials are designed to appeal to the widest possible market, they are often presented from an ethnocentric point of view. American Indians and other cultural groups are frequently either stereotyped, distorted or forgotten altogether. The attempts to transmit a single viewpoint result in the denial of heritage, values and contributions of various cultural groups which make up our society.

When selecting textbooks and materials to be used for the classroom, educators must not chance using materials that will degrade a student's ethnic heritage or use materials that are inaccurate, unfair or would perpetuate negative generalizations. Information and materials that would confuse or mislead students should not be used. Such materials encourage prejudiced attitudes that contribute to biases, misunderstandings and an attitude of ethnocentrism. This potential to foster prejudice is inconsistent with a fair and healthy educational environment.

The greatest distance between people is not geographical; rather, it is cultural. Textbooks are one means of bridging the spaces between American Indians and other ethnic groups. Publishers and educators have an obligation to the truth for all students. Textbooks and other materials used for the classroom must be written and illustrated so they reflect the cultural diversity of all students. The lack of cross-cultural understanding and appreciation often leads to misunderstandings that can turn into generalizations and stereotypical learning.

The textbook is a universal medium. It is the foundation of school instruction. It is the primary source of information for students and teachers alike. Whether it is recognized or not, the textbook is one of the main instruments for molding the knowledge, attitudes and values of our young people. Ultimately, it can reflect and shape the beliefs and actions of the nation itself. The value of their content for classroom use cannot be understated.

Textbooks may reinforce negative stereotypes or even create new stereotypes where not previously existed. Because students do not usually have knowledge or information to know when stereotypes are negative or false, they are more likely to believe what is being printed in the textbook as being accurate and, indeed, educators often do not question the content of textbooks. Educators many times convey what they have heard or read and they usually have not received cultural training in college. And very few educators live in a multicultural setting.

In addition, textbooks can do many things. They give the students a feeling that education is or is not intended for them. It makes students feel they are part of mainstream America; have or do not have self-worth.

Finally, textbooks should help the students understand other people through cultural differences rather than through cultural similarities. The students should be able to decide for themselves, based on accurate information, that there is not one truth, but many; that there is no one real experience, but many realities; that there is not just one history, but many ways of looking at events and interpreting them.

Historically, many great leaders of our American Indian people have recognized and valued diversity. Many were not presumptuous to feel that they knew the only way. Chief White Calf, last hereditary chief of the Blackfeet, personified this concept over 100 years ago when he stated:

"There was a missionary and I called him son and gave him a name and tried to give him this story (of creation), but he would not take it because he said, 'This is not the way things were in the beginning.' But I was not proud to have him as my son because he says there is only one path through the forest and he knows the right path, but I say there are many paths and how can you know the best path unless you have walked them all. He walked too long on one path and does not know there are other paths. I am one hundred and one, and I know that sometimes many paths go to the same place."

CONTENT GUIDELINES

Content Guidelines

Textbooks should be examined, analyzed and evaluated to ensure that they meet the highest standards in subject area content. Hopefully, this will help to assure that American Indians are treated fairly, objectively and accurately.

Individuals of all ages and ethnic groups have a great deal to gain from the elimination of textbooks which malign, falsify or continue to perpetuate stereotypes or cultural and historical inaccuracies. Bias-free educational materials better represent reality, encourage a tolerance for individual differences, and provide students with the freedom to make up their own minds based on accurate information.

It is more important in the selection of textbooks that the audience for whom the books are intended be given consideration to provide input. To ensure a healthy learning environment, textbooks must provide students with information concerning the contributions of American Indians. They must reflect and help instill in American Indian students a positive self-image and pride in their heritage. They must help students, as members of a particular ethnic group, to see themselves as a worthwhile, contributing member of American society.

In examining and/or selecting textbooks which deal fairly and objectively with the American Indian, the following areas should be given consideration:.

1. **There should be evidence on the part of the authors and publishers that they are aware of the American Indian's perspective in the textbook.**

   There is no truly objective account of history or, perhaps, any subject area. A book is always written from a point of view. Traditionally, this has been from a non-Indian, male point of view, and the American Indian input has been non-existent. Textbook publishers should consult American Indians in various fields to find out what they would view as essential and be included in the various areas of textbook supplementary materials.

   When evaluating a textbook, check the list of consultants and contributors to see if any American Indian consultants are included. Credit is usually given to consultants and contributors at the beginning of the book—on or near the title page.

   If not on or near the title page, the author may acknowledge credits in the preface. The absence of American Indian consultants should be a signal that close scrutiny of the material is necessary. One can always check with an American Indian organization or program to secure their feelings or comments about the book. *When in doubt—ask.*

2. **Textbooks should not give the impression that the history of the American Indian began when Columbus landed on this continent.**

   This is a common textbook generalization. The American Indians were not waiting to be "discovered" by Christopher Columbus. The American Indians were here thousands of years before the arrival of the Europeans, and they should be portrayed as the original inhabitants of the continent. The American Indians had a high order of civilization long before Columbus arrived on these shores. In addition, there are many scholars who feel that some native civilization had superior characteristics when compared to the European counterparts of the same time period.

3. **Textbooks often dismiss American Indian people as being "primitive' and their culture being "simplistic."**

Too often the emphasis of textbook content in describing American Indian cultures is placed on their artistic objects such as baskets, quill work or masks. Tools and other artifacts are also highlighted. More emphasis should be placed on their diverse social, political, economic and cultural activities. When textbooks discuss the development of music, art, science, government or any other field, examples of American Indian achievements should be recognized.

Early textbooks and other sources seem to be inconsistent in regard to the image of the American Indian. Many writers were descriptively negative in their writings about the American Indian, as observed by George Catlin (1841) in his letters and notes. He states, "Some writers I have grieved to see, have written down the character of the North American Indian as dark, relentless, cruel and murderous. In the last degree with scarce a quality to stamp their existence of a higher order than that of brutes. Others have given them a high rank, as I feel myself authorized to do, as honorable and highly intellectual beings." He continued, "I love a people who are honest without laws, have no jails or poor houses. I love a people who keep the ten commandments without having to read them or ever having read them from the pulpit."

John White, an Englishman who visited Virginia in 1585, said, "I confess I cannot remember that I ever saw a better or quieter people than they, it is a pleasant sight to see a people content with their state and living so friendly together."

4. **Textbooks often discuss what the American Indians "gave" to society in the form of "contributions."**

It is true that the American Indian influence is very evident in American society. However, it would be much better to note that the Europeans adopted, by necessity, much of the American Indians' knowledge and technology in order to survive in a foreign land. These contributions should not be viewed solely in terms of their usefulness to the white society. They should instead be included on their own merit as essential elements of American Indian culture.

Also, the textbook should mention contemporary activities that illustrate that American Indians are still contributing today through both natural and human resources. (See booklet titled, *A Curriculum Guide to Learning About American Indians*, Montana State Office of Public Instruction, Helena, MT, 1991.)

5. **Information about the American Indian should be integrated throughout the entire textbook, not isolated or treated as an after-thought.**

This is the area which needs to be examined with the greatest care and scrutiny. In the past, typical textbook coverage of the American Indian has been limited to:

- How the American Indian helped the Pilgrims, which usually coincides with the celebration of Thanksgiving or American Indian Day, with little or no thought about the rest of the year. Consequently, children may believe that American Indians are a people of the past and no longer exist.

- American Indians resurface again in the mid-1800s to the late 1800s as the settlers push westward. Description of this period often focuses on the European exploits. The removal of American Indians from their traditional homes and lands and placed on reservations may be discussed, if at all, as a secondary matter.

- **The American Indians drop out of sight again until the late 1960s or early 1970s. Then, they are usually lumped together with other minority groups and viewed as "problems." Emphasis is likely to be placed upon social conditions such as poverty, lack of education or unemployment.**

To correct this omission and deficiency, textbooks must indicate what has happened and what is happening to American Indians. By ignoring their existence, the textbooks avoid discussing a very important part of the American experience. If American Indians are included in a balanced treatment in textbooks, they should be portrayed in a more positive and realistic light.

6. **Textbooks should not suggest that different lifestyles or customs are undesirable or reflect adverse value judgments on such differences.**

People are not all the same, so why treat them as one? A person does not have to look or be like everyone else in order to be treated with respect and equality. Being different should in no way carry the connotation of being inferior or superior. Children need to be made aware of these differences at an early stage of their education.

Textbooks tend to overemphasize the uniformity of people. Thus, students may feel pressure to conform to the "norm" rather than be part of another group or culture. They may also become ashamed or embarrassed to participate in cultural activities from their ethnic background. In spite of all this pressure, American Indians have managed to keep their culture and history alive. Even though they have not written history books, American Indians have passed their heritage and history down through the generations using oral and pictorial traditions. It is only recently that most schools have made an effort to include American Indian history/culture in the regular school curriculum.

7. **Textbooks should avoid inferences that American Indians are all the same.**

American Indians should be shown in accurate diverse settings. After all, we are talking about more than 300 groups of people who spoke over 600 languages and have been collectively referred to as *Indians, Native Americans* and *Native American Indians.* Too often, the Plains Indian culture is used as the *typical* American Indian group.

This can be very insulting to other groups from throughout North and South America, since the Plains people are but a small example of the various tribes and cultures. Taking a monocultural stance would be like saying that there is but one culture in Europe and the English are most representative of this group. This portrayal may reinforce the Hollywood stereotype that all American Indians depended on buffalo, lived in tipis and wore feathered headdresses. Although it would not be possible to describe in detail every single group, textbooks can write accurately about some group and point out that the group merely represents one group within a larger cultural group. Teachers need to be very careful that all Indians are not the same nor do they look, act or believe in the same things. They need to remind the students that the American Indian is *alive and well* and very much a part of today's society.

8. **Textbooks generally portray American Indian women in a subservient role, if at all.**

In some native cultures, women were expected to perform this subservient role. However, an explanation of this pattern should be offered. It should be recognized that a subservient role for women was not unique to American Indian cultures. Also, it could be brought out that many American Indian women had important roles in their societies, such as medicine women or council members, even in some cases they accompanied men into battle. Women were not treated identically by all groups. Many groups had a matriarchal society where women were in leadership positions. It should also be noted that contemporary American Indian women are taking their places with other women in leadership and professional roles. They are among the most important leaders, planners and contributors in shaping the future for American Indian people.

9. **Textbooks should include information about both historical and contemporary American Indian heros and heroines.**

Textbooks generally include information about Squanto and Sacajawea because these two *famous* American Indians helped the Europeans. However, there are many other people that the American Indians consider important and some of these should be covered in textbooks. If American Indians are consulted in the preparation of the textbook, they can supply biographical input about historical and contemporary heros and heroines. This would also provide new information for students and, more importantly, would provide much needed role models for American Indian children. The teacher should check with American Indian sources in the community to secure information about local and regional heros and role models.

10. **Textbooks must deal with and critically examine what might be considered controversial issues.**

It is imperative that both sides of an issue be presented in textbooks. History, which many times in the past has been either inaccurate or distorted, can be clarified and viewpoints examined. For example:

- When describing the westward expansion, the textbook should point out that the American Indians were fighting for their homelands and their way of life, rather than being viewed as *dangerous obstacles* to the settlement of the west. In addition, there should be mention of heros and heroines on both sides of the conflict. There may be children in the class who identify more strongly with the American Indian heros than with the hero who was traditionally chosen by the author.

- When discussing the placement of American Indians on reservations, explanation needs to be given as to why the system was initiated and why it was not always successful. In many cases, the government was trying to isolate the American Indians in one place and to change hunters to farmers, which would force them to adopt a new lifestyle and create a new economic base. By including the American Indian viewpoint, students should gain more accurate information and a better understanding of why the American Indian was operating from a disadvantaged position. It should also be pointed out that over half the American Indians live off reservations in urban and rural settings, and they live on or off reservation by choice.

- When contemporary areas are mentioned, the textbook needs to include the American Indian perspective rather than dwelling so much on social conditions. The American Indian concerns such as treaty rights, tribal sovereignty, and self-determination should be explained and recognized. The rationale behind the existence of treaties and the concept of sovereignty should be objectively and accurately presented so it is informative and will not leave the reader with a distorted or inaccurate picture. It will also help the student better understand American Indian issues and controversies that might exist in their communities.

11. **Textbooks must include information about the contemporary activities, contributions and concerns of American Indians.**

All too often, American Indians are presented from only a historical viewpoint. They often disappear from pages of the textbooks about one-fourth of the way through the book. They may reappear periodically about Thanksgiving time or Custer's Last Stand. This treatment may leave students, especially very young, with the impression that American Indians lived only in the past. It reinforces the stereotype that American Indians are a *vanishing breed* and they are no longer around.

By including up-to-date material in the textbook, the student should learn that American Indians are still alive and are contributing members to modern society. This information will also give American Indian students a source of pride and a feeling that their heritage is valuable and worth knowing more about.

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ILLUSTRATION GUIDELINES

Illustration Guidelines

Illustrations in textbooks and other education materials have a very important function in the learning process. Their visual impressions may be even more lasting than the written content of the textbook. This is especially true for young people who have not learned to read. As a matter of fact, many of them come to the school environment with negative stereotypes which have been gained through the visual means of television or movies. Illustrations and pictures convey ideas about the intentions and implications of the material included in textbooks.

Most textbooks rarely offend groups of people with direct statements of other overt actions. Most often, the social judgment is implied thereby, strengthening the stereotypes or prejudice. American Indian children may feel inferior, embarrassed or ashamed when textbooks depict American Indian people in a negative light.

Textbook publishers and educators need to be sensitive about the illustrations that tend to generalize about American Indians in terms of inaccuracies based upon physical characteristics, economic status or categorical roles in our society. Illustrations in textbooks should also present the contemporary images of American Indian people. They should promote better understanding and give information to young people who want to learn more about these new American Indian images. Efforts must be continued to eliminate materials which either overtly or covertly promote the concept of ethnocentricity.

Illustrations in textbooks should give consideration to the following criteria:

1. There is no need to use illustrations which reinforce the negative stereotypes many people already have of American Indians. Many textbook publishers cannot seem to resist including a picture of someone being frightened or attacked by an American Indian.

2. Textbook illustrations of American Indians should be recognized as depicting American Indians. The illustrations should not simply color or shade over Caucasian features. American Indians have a variety of skin tones that range from light to dark. They should never be depicted as having *red* skin. If drawings are not suitable, actual photographs might be used.

3. Textbook illustrations should portray American Indians in the same range of socio-economic settings as other groups of Americans. They should be shown living in homes comparable to middle America, as well as more modest dwellings. If poor conditions are consistently portrayed, it can give a distorted message about all native peoples.

4. Textbook illustrations should depict American Indians in a wide range of occupational roles. They should be included in scenes which show executive, professional and vocational occupations. This will provide role models for American Indian children. It should also help eliminate some of the stereotypical thinking that American Indian occupations are limited to crafts such as pottery and jewelry making, blanket weaving and beadworking.

5. Textbooks should also show American Indians in modern clothing and contemporary hairstyles whenever it is appropriate. Illustrations should not reinforce the stereotype that American Indians walk around all the time in feathers carrying bows and arrows. If contemporary American Indians are shown in traditional dress, this should be explained so that students understand that traditional dress is mostly worn for special occasions, celebrations and pow wows.

6. Textbook illustrations should avoid caricatures of American Indians which depict exaggerated views of physical features. American Indians should not be shown as *wooden* Indians, in *how* gestures, in learning how to count, as in *ten little Indians* or as war-bonneted chiefs with a large hooked nose. These illustrations do not serve any useful purpose; they tend to ridicule American Indians and mislead youngsters.

7. Textbooks should be historically and culturally accurate when depicting various groups of American Indians. They should not perpetuate stereotypes or constrict student's knowledge or awareness of accurate lifestyles of various native cultures. For instance, they should not show a Navajo living in a Blackfeet tipi or a Sioux living in a long house of the Iroquois.

8. Textbook maps should be historically and geographically accurate. They should not be distorted and misleading in the information they contain. The spelling and location of the various tribes should be correct. The maps should be carefully researched to ensure accuracy.

9. Statistical data in textbook graphs, charts and tables should be figuratively and numerically accurate. Up-to-date data should be included. The source of information for the data should be included.

10. One must be very careful when selecting books for classroom use. Some companies are *recycling* old books and old information by simply using new book covers and once again putting them out on the market. If the user is not sure about the reliability of a book, they might contact the American Indian consultant either at the local or state level. They normally have information regarding quality and poor materials.

OTHER AREAS,
QUESTIONS TO ASK
&
FOR YOUR INFORMATION

Other Areas

Most textbooks include other sections which should be examined and evaluated from the American Indian perspective. Some of these other areas include:

1. *Copyright Date:* The copyright date of the textbook should be checked to see how current the information is. The first date given on the copyright page is the important one, since other dates listed indicate revised editions. Revisions in a textbook often fail to encompass a changed viewpoint and, at times, may actually be more stereotypical than the original draft. If considering a revised edition, it should be compared to the original edition to determine what has been changed. Changing a few words alone does not usually reflect a new philosophy. Content and illustration might also need to be revised.

2. *Discussion Questions:* Discussion questions should be checked to determine whether or not any of the questions relate to American Indians. Are the questions legitimate ones? Do the students have enough information and background data to intelligently answer and ask questions. Do the discussion questions require some independent thinking or are they merely a repetition of the textbook's content? Do the questions reflect contemporary American Indian issues and concerns?

3. *Suggest Further Activities:* The section on suggested activities should be examined to determine whether or not any of the suggested activities relate to American Indians when it is an appropriate part of the content. Do suggested activities encourage students to learn more about American Indians or develop a better understanding of them or their culture?

4. *Further Reading:* The "for further reading" or bibliography section of textbooks should be examined to determine whether or not any of the resources are relevant and about American Indians. Are the materials current or outdated?

5. *Index:* The index of the book should be examined to determine whether or not the terms used in the index are consistent with those used in the content when referring to American Indians. Some indexes may be *padded* with entries, i.e., the references listed are merely a passing comment as opposed to representing any substantial information about American Indians.

6. *Teacher's Guide:* The teacher's guide that accompanies most textbooks should be examined to determine whether or not any of the objectives and learner outcomes relate to American Indians. The teacher's guide should provide enough information and resources to assist the teacher in meeting the objectives.

7. *Book Cover:* Does the book cover accurately depict what is contained in the book's content? Does it negatively reflect on the American Indian culture or negatively stereotype them in any way?

Questions to Ask (Checklist [2])

When selecting books or materials, when teaching about American Indians, for either the classroom or recreational reading, one might ask the following questions:

- What purpose do I want this book to serve in the library collection?
- What was the author's purpose in writing it?
- What perspectives does the author bring to it? Are his/her ethnic affiliations identified?
- Do ethnocentrical biases distort the value of the book for potential readers?
- Is there appropriate identification of a specific tribe or tribes? Does the author avoid a generalized portrayal of American Indian peoples as being all alike?
- Are tribal diversities recognized? Among these could be diverse homes such as hogans, tipis, wigwams, long houses, pueblos, and diverse water craft such as birch bark canoes, dugouts and rafts.
- Are American Indians portrayed as individuals?
- Are degrading adjectives—*bloodthirsty, primitive, pagan, savage,* and so on—avoided?
- Is the vocabulary biased? For example, does the author use words such as *squaw* and *papoose* for *women* and *baby*?
- Is the portrayal of native cultures as *vanished* or *assimilated* avoided? Is there appropriate recognition of enduring traditions?
- Does the author seem to have a patronizing attitude? For example, are American Indians portrayed as needing to be *rescued* by a *higher civilization?*
- Is there evidence of respect for native values such as, for example, harmony with nature and respect for elders?
- Are there omissions? For example, does the book ignore the existence of long-established tribal homelands in describing the western expansion of white settlement?
- Do authors avoid presenting American Indians as having limited language skills?
- Are illustrations authentic as to tribe and historic period?
- Are contemporary American Indians shown in contemporary clothing except when participating in traditional activities where special clothes are appropriate?
- What do American Indian reviewers or readers say about this book?
- Should I wait to purchase it or withdraw it until someone with more knowledge (about the subject) has given an opinion?

- If I decide this book is not appropriate for my collection, is it one that should be part of a larger, more comprehensive collection?
- Should I inquire to make sure it is available elsewhere?

[2] Adapted from: *American Indian Resource Manual for Libraries,* Wisc. Dept. of Public Instruction, H.J. Grover, Supt.

For Your Information

Many American Indian reference words and phrases exist today in the form of stereotypes. (Stereotypes: To form a fixed, unvarying idea about.) Few of these are flattering to American Indian people and most are very offensive. Below is a list of a few references that should be helpful in selecting materials about American Indians. The list also contains information that can answer some questions your students might have about American Indians and their culture.

1. *Sit like an Indian—All* people of *all* races sit in a cross-legged fashion, especially when sitting on the ground. Those culture groups who do not use chairs or benches may assume this posture for comfort.

2. *Indian Princess*—Indian people did not have royalty such as Europeans have but, instead, had councils of wise people who made decisions. An Indian *Princess* was probably the daughter of one of the tribal leaders. In order to be a Princess, the father had to be a king and American Indians had no kings. In more recent times, the term *Indian Princess* has been used as a derogatory term.

3. *Squaw*—This word had a derogatory connotation and American Indian people are offended by its use. Many times it has been used in books and films in a demeaning and disrespectful manner.

4. *Buck*—Same as above.

5. *War Bonnet*—People of the plains primarily used the *war bonnet.* It was not just for battle, but for ceremonial use as well. Only the most honored and respected members of the tribe were allowed to wear one and it had to be earned. Several types of hats or head covering were used by the many tribes across North and South America. Many were ceremonial, while others were worn for the utilitarian purpose.

6. *War Hoop*—American Indians did not make a *war hoop* as it is commonly done by repeatedly slapping the hand over the mouth and emitting a high-pitched sound. Many tribes in battle gave short, loud cries to unnerve the enemy. However, many sounds were made depending on the situation, i.e., herding animals, greeting a friend, etc.

7. *Scalping*—The early colonists paid bounty hunters for American Indian scalps. Before the Europeans came, scalping was not practiced among American Indians, but rather cutting the enemy's hair was common. Later, some tribes used scalping as a means of showing ferocity or retribution.

8. *Speaking Indian*—There is no such language is *Indian.* There were 200 distinct and different languages among American Indians. Dozens of different languages are still spoken by tribes throughout the Americas. Some are related and others are as different as English and Chinese. Most have grammatical structures more complicated than English. All use thousands of words.

9. *Sign Language*—All American Indians did not talk to each other by a common sign language. The method of communication by arm and hand gestures was used primarily in the Plains areas and some bordering areas.

10. *Ugh*—This was only used in Hollywood.

11. *How*—Origin of this word meant as an American Indian greeting is unknown. Was not used by tribes.

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12. *The Use of Um After Words*—Hollywood also invented a broken speech pattern for American Indians for the movies in which um was added to words like ride-um, see-um, like-um, etc. American Indians have never spoken like this.

13. *Like a Bunch of Wild Indians*—Again, thanks to the media, the American Indian was given a misleading label. Do not use books using this terminology.

14. *Indian Giver*—This has been used to mean a person will take back what has been given. How this phrase came about is unknown, considering the fact that American Indian people have not been in a position to reclaim what was given away. Some tribes of the northwest give away gifts at a ceremony called a Potlatch. The person receiving a gift might, at a later time, have a give-away and a gift might be given to the person from whom they had received the gift. Many Plains tribes have *Give-Aways* where gifts are given to special people. Nothing is asked in return, nor is the gift asked to be returned.

15. *All Indians are Small*—The idea is very widespread and has no relation to facts. Some of the largest, as well as some of the smallest, people in the world are American Indian, with all sizes in between.

16. *Wigwam*—All Indians did not live in wigwams. The wigwam only applied to the bark or mat-covered huts of some of the tribes in northeastern United States. American Indians from throughout the Americas lived in a variety of dwellings such as the longhouse, hogan, tipi, etc.

17. *Totem Pole*—These were made only by a few tribes living on the Pacific coast and neighboring islands of British Columbia and southeast Alaska. The totem poles were made to show family names and legends and to mark graves.

18. *Wampum*—A very misunderstood word. It is derived from *wamp-ompe-ag,* meaning *it is made of shell* and was applied by the east coast tribes to a tube-shaped purple or white bead made from clam or conch shell. It was later used as a medium of exchange by the Dutch. However, the American Indians originally used the belt as an ornament or jewelry.

19. *Vanishing Indian*—The American Indian is not vanishing. From an original population of about one million two hundred and fifty thousand living north of Mexico, the population decreased to about two hundred and fifty thousand by the 1890s. Since then, it has steadily increased. The present American Indian population, according to the 1990 census, is almost two million.

20. *Reservations*—The number of Indian land areas in the U.S. administered as federal Indian reservations (reservations, pueblos, rancherias, communities, etc.) total 278. The largest is the Navajo Reservation, of some 16 million acres, the smallest is less than 100 acres.

21. *Indian Tribes*—There are 510 federally-recognized tribes in the United States, including 200 village groups in Alaska. *Federally-recognized* means these tribes and groups have a special, legal relationship with the U.S. government and its agent, the Bureau of Indian Affairs, depending upon the particular situation of each tribe.

22. *Who is an Indian?*—No single federal or tribal criteria establishes a person's identity as an Indian. Government agencies use differing criteria to determine who is Indian and eligible to participate in their programs. Tribes also have varying eligibility criteria for membership. For its purpose, the Bureau of the Census counts everyone who declares themselves to be an Indian. To be eligible for BIA services, an Indian must: (1) be a member of a tribe recognized by the federal government, and (2) must, for some purposes, be of one-fourth or more Indian ancestry.

23. *Do Indians get payments from the government?*—No individual is automatically paid for being an Indian. The federal government may pay an individual or tribe in compensation for damages for losses resulting from treaty violations, for encroachment on Indian lands, or for other past or present wrongs. A tribe or an individual may also receive a government check for payment from income from their lands and resources, but this is only because their resources may be held in trust by the Secretary of the Interior and payment for their use has been collected from the users by the federal government on their behalf. Fees for oil or grazing leases are an example. If an individual's land is held in trust, the BIA is charged with handling financial transactions.

24. *Do all Indians live on reservations?*—No. Indians can live anywhere in the United States they wish. Many leave their reservation homes for educational and employment purposes. Over half of the total U.S. Indians and Alaska Native population now lives away from reservations. Many return home often to participate in family and tribal life, and sometimes to retire.

25. *Why are Indians sometimes referred to as Native Americans?*—The term *Native American* came into usage in the 1960s to denote the groups served by the BIA: American Indians and Alaska Native (Indians, Eskimos, and Aleuts of Alaska). Later, the term also included Native Hawaiians and Pacific Islanders in some federal programs. The Eskimos and Aleuts in Alaska are two culturally distinct groups and are sensitive about being included under *Indian* designation. They prefer to be called Alaska Native.

26. *How do I trace my Indian ancestry or become a member of a tribe?*—The first step in tracing ancestry is basic genealogy research, if you do not already have specific family information and documents that identify tribal ties. Some information to obtain is: names of ancestors, dates of birth, marriages, deaths, places where they lived, their brothers and sisters, if any, and, most importantly, tribal affiliations. Among family documents to check are bibles, wills and other papers. The next step is to determine whether any of your ancestors are on an official tribal role or census. For this, there are several resources. Contact the National Archives and Records Administration Natural Resources Branch, Civil Archives Division, 8th and Pennsylvania Ave. NW, Washington, DC 20408. Or you may contact the enrollment officer of the tribe in which you think your ancestors may be enrolled. Another source is the BIA Branch of Tribal Enrollment, 1849 C Street NW, Washington, DC 20240. Remember, the key to determining your Indian ancestry is identification of a specific tribal affiliation. Also remember, each tribe determines who can be enrolled as tribal members.

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Stereotypes, Distortions and Omissions in U.S. History, Council for Interracial Books for Children, New York, NY

Evaluation: Books and Printed Materials

Title:________________________________ Hardback:__________

Author:________________________________ Paperback:__________

Publisher:______________________ Fiction:_______ Non-Fiction:_______

Pub. Date:___________ Age Level: Children______ Intermed______ Second______ Adult______

1. Would this material help American Indians identify and be proud of their heritage? Yes__ No__ N/A__

2. Would the materials encourage a negative image for the non-Indian reader? Yes__ No__ N/A__

3. Are both sides of the issue, event or problem presented? Yes__ No__ N/A__

4. Are there important facts omitted? Yes__ No__ N/A__

5. Is the American Indian stereotyped in this material:
   - through the illustrations? Yes__ No__ N/A__
   - through the content? Yes__ No__ N/A__

6. Are the contributions of American Indians to Western civilization given accurate representation? Yes__ No__ N/A__

7. Would this material assist in establishing a positive image for the American Indian? Yes__ No__ N/A__

8. Considering the time period of setting of this material, do the illustrations/situations authenticate the Indian way of life? Yes__ No__ N/A__

9. Does the material perpetuate the myths about the Indian? Yes__ No__ N/A__

10. Is the author biased against American Indian persons? Yes__ No__ N/A__

11. Is the author qualified to write a book dealing with the American Indian? Yes__ No__ N/A__

12. Could this material be used in a school classroom or library to increase the awareness and understanding of the American Indian? Yes__ No__ N/A__

EVALUATION FORMS

Based on your responses, please summarize your evaluation of this print material:

Comments:

Rating for this material: Acceptable____________ Unacceptable____________

Date of Evaluation:____________________________

Name of Evaluator:____________________________

Evaluation: Audio and Visual Materials

Circle Type of Material Being Evaluated:

16mm film 8mm loop slides records

map study prints AV tape pictures

model pictures graph other

Circle Type: sound color B/W length

Title:____

Source or Company:______________________________ Date Shown:____________

Copyright Date:____________ Subject Area:________________ Grade Level:_____

1. Would this material help the American Indian identify with and be proud of his/her heritage? Yes___ No___ N/A___

2. Would the material encourage a negative image of the American Indian by the non-Indian viewer? Yes___ No___ N/A___

3. Are both sides of the issue, problem or event presented? Yes___ No___ N/A___

4. Are three any important facts omitted? Yes___ No___ N/A___

5. Is the American Indian sterotyped in this material:
   - through concepts? Yes___ No___ N/A___
   - through narrative or dialogue? Yes___ No___ N/A___
   - through illustrations? Yes___ No___ N/A___

6. Are the contributions of the American Indian to Western civilization given accurate representation? Yes___ No___ N/A___

7. Would this material assist in establishing a positive self-image for the American Indian? Yes___ No___ N/A___

8. Considering the time period or setting of the material, do the illustrations/situations seem authentic to the American Indian way of life? Yes___ No___ N/A___

9. Does the material perpetuate myths about the American Indian? Yes___ No___ N/A___

10. Could this material be used in a school classroom or library to increase the awareness and understanding of American Indian people? Yes___ No___ N/A___

11. Does the content seem authentic and accurate? Yes___ No___ N/A___

12. Is the content well organized? Yes___ No___ N/A___

13. Does the material generalize about American Indians? Yes___ No___ N/A___

Circle appropriate responses:

Teacher's guide	good	fair	poor	none
Vocabulary	good	fair	poor	none
Continuity of content	good	fair	poor	none
Quality of Sound	good	fair	poor	none
Quality of Color	good	fair	poor	none
Quality of Photograhy or Art Work	good	fair	poor	none
Suitability of Length	good	fair	poor	none
Pupil Interest	good	fair	poor	none
Pupil Comprehension	good	fair	poor	none
Total Instructional Value	good	fair	poor	none
Prospect for Classroom Use	good	fair	poor	none

Please summarize your rating and response to this material:

Name:____ Date:________________

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&
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Professional Addresses

The following is a list of possible offices/individuals that the user might contact for information, clarification, etc.

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Companion Piece

Please return to:
Indian Law-Related Education
Curriculum Guide

MONTANA INDIANS

THEIR HISTORY
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"A people without history
is like the wind on the
buffalo grass."

Anonymous Lakota saying

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INTRODUCTION

In this handbook we are attempting to give a brief look at Montana's Indians. We have organized the material by reservation areas, even though in some cases, more than one tribal group lives on one reservation. There are also many Indians who are not tribal members or members of the reservation on which they reside. A section on Montana's "Landless" Indians, now known as the Little Shell Band of Chippewa is also included.

We are especially interested in providing information on the contemporary status of Montana's Indian groups. Much has been written about their history, but many people don't know who they are and how they live today. For those readers who want more information, we have included a chronology of important events and dates, a bibliography for children and adults, maps, and a miscellaneous section.

Please be advised that this booklet is not meant to be all inclusive, but should be used merely as a guide. If there are any questions about this information or content, please do not hesitate to contact us for clarification. You may also check with the local tribal authorities or Indian education committees. For additional information you may contact the Indian Education Specialist at the Office of Public Instruction, Helena, Montana 59620 (406-444-3013).

- Statistical information is obtained from the Bureau of Indian Affairs, Billings Area Office, "Annual Report Fiscal Year 1988;" also from reports from the various agencies. In other cases, figures may have changed since it is an arduous and difficult task to keep current data on all Indians living in the state of Montana.

- The BIA Data Processing Department in the Billings Area Office, who has furnished much of the statistical data, indicates that "the population data within the Age Distribution Report only reflects the enrolled members of that particular tribe(s) at each respective reservation." In other words, the enrollment data does not apply to Indians residing on a foreign reservation, i.e., Blackfeet living on the Northern Cheyenne Reservation.

(Revised, September 1995)

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MONTANA INDIANS

Montana is the home of approximately 40,000+ people of Indian extraction. The majority of these people reside on one of the seven large Indian reservations while many others live in the major cities of Missoula, Billings, Great Falls, Butte, Helena and Miles City. The Indian population in our state has grown steadily and significantly as the U.S. Census Bureau improves procedures for identification of our Indian citizens. There are about 13,200 Indian students enrolled in public and private schools in Montana with the largest single enrollment in Browning Public Schools (1,425) and the second largest enrollment in the Great Falls Public Schools (1,100).

Each of the seven Indian reservations in Montana is governed by a group of elected officials called a Tribal council. The exception to this is on the Crow Reservation where a true democracy or "town meeting" form of government is used to make decisions that affect their tribe. The Tribal Council works in cooperation with the bureau of Indian Affairs, and local, county and state governments to carry on tribal business.

In addition to having both public and private elementary and secondary schools on or near each reservation, there are Head Start programs and tribal community colleges located there also. These tribal colleges allow a great number of reservation-based people the opportunity to secure quality training or complete two-year degree programs without leaving their home area. As a result, educational training on reservations can begin at age 3 in Head Start and continue two years after high school graduation in the tribal college. Unfortunately, this is not always the case, since the dropout rate of Indian students is still 20-50 percent in many Indian communities. Most students are lost in junior high school or ninth or tenth grades. In terms of educational attainment, Montana Indian people have done tremendously well considering the economic and social problems of some reservation communities. For example, many communities now employ school superintendents, principals, and many teachers and paraprofessionals of Indian descent. Tribal Council members now have college degrees and BIA and tribal employees are very well trianed. Some reservations employ Indian doctors, nurses, lawyers, engineers, social workers, and other high-skill professionals.

During the past two legislative sessions, Montana has been fortunate to have three Indian legislators. These three people have been very successful in promoting legislation designed to develop a better working relationship between Indian tribes and state government. In addition, the governor's office employs a Coordinator of Indian Affairs whose job it is to work cooperatively between Indian tribes and all state agencies. This ensures that Indian people have a spokesperson or liaison in state programs and activities that affect them.

Economically, Indian tribes have made tremendous strides in order to improve the financial conditions of each reservation. Major employers on all reservations are the local tribe, the Bureau of Indian Affairs and local school districts. Although these provide employment for a great number of Indian people, the unemployment rate is still staggering–running anywhere from 50-80 percent. To deal with this, tribes have sought econmic development through industry and several reservations now operate industrial plants. The Blackfeet tribe operates a pencil factory which makes several types of pens, pencils and markers, while the Assiniboine and Sioux tribes operate A & S Industries, which produces medical kits and camouflage netting. In addition to this, other tribes have used natural resources like water, timber, coal, oil and land to stimulate the economy of their reservations.

To obtain more information about the Montana Indian tribes, their reservations, cultural ceremonies, pow-wows, schools, etc., please feel free to write directly to the addresses in the directory section page 75.

HISTORICAL OVERVIEW OF MONTANA'S INDIANS

All of Montana's Indian tribes migrated into this region, most of them within the last 300 years. Most of the Indian people came to what we know as Montana in search of better hunting grounds or because they were pushed here by other groups. The boundaries of Indian tribes were not fixed. No one tribe owned land as we know it, but each claimed its use and a specific hunting territory. Stronger tribes often dominated their neighbors. With the acquisition of the horse, the Plains Indians (as they are categorized by historians) became more mobile and more efficient hunters.

The Plains Indians moved around in fairly regular patterns, most often following the buffalo, which was the mainstay of their existence. The buffalo provided them with most of their meat, clothing, shelter and utensils. In the warm weather, they moved freely hunting the buffalo. In the winter, they selected well-protected areas for extended encampment. This pattern of life existed as long as there was abundant buffalo and the freedom to move across the plains.

The coming of the white man threatened the Indian's way of life. The main reason for Indian-white conflict was the total disruption of the Indians' use of the land, not the ownership of it. If we wonder why the Indian people fought so fiercely, perhaps we can understand it better if we recognize that they were trying to protect and maintain their culture.

The following overview of Montana's Indians is taken from MONTANA: A HISTORY OF TWO CENTURIES by Drs. Michael P. Malone and Richard B. Roeder, published by the University of Washington Press, 1976, pages 11-16. See additional tribal histories, pages 11-46.

The only Indians, apparently, who lived in Montana before 1600 were those whom the white men found in the western mountains, the plateau Indians. The best known of these were the Flatheads, who, like many other plateau peoples, belonged to the Salishan language group. The Flatheads (the origin of whose name is disputed) were the eastern most of all the Salishan tribes. Prior to the invasion of eastern Indians after 1600, they lived in the Three Forks area and ranged as far eastward as the Big Horn Mountains. Before 1700, the arrival first of Shoshonis from the south, and the Blackfeet from the northeast, forced them to retreat westward into the mountains. Their homeland, by the time Lewis and Clark found them in 1805, centered in the beautiful Bitterroot Valley.

The Flatheads combined in roughly equal parts, the cultures of the plains and the plateau peoples. They joined forces once or twice a year with their allies, the Nez Perce of Idaho, to hunt buffalo on the plains. Like the other mountain tribes, they lived in constant fear of, and war with, the Blackfeet of northcentral Montana. The white men would find the Flatheads "peaceful," friendly, and especially interested in Christianity. This friendliness stemmed, most likely, not from any special meekness on their part, but from their need for allies, even white allies, against the better armed and more numerous Blackfeet.

Closely related to the Flatheads were the Pend d'Oreille or Kalispell Indians, who were also of Salishan linguistic stock. The lower Pend d'Oreille lived mainly along the Clark Fork River and around Pend d'Oreille Lake in Idaho. The upper Pend d'Oreille were located generally to the south of beautiful Flathead Lake and for a time even occupied the Sun River Valley east of the Continental Divide. These Indians intermingled and allied with their Salishan cousins, the Flatheads and Spokans, but they absorbed less of the plains culture than did the Flatheads. Instead, like most plateau people, they depended mostly upon plants and fish for food. After the invasion of the eastern plains Indians, the Pend d'Oreilles joined the Flatheads in the westward retreat.

In the far northwest corner of Montana lived the Kootenai Indians. Their ancestry is uncertain, and their language is apparently unrelated to that of any other tribe. Although they were not Salishan, the

Kootenai had, by 1800, become friends of the Flatheads and Pend d'Oreilles, and today they occupy the same reservation. Like the Flatheads, they merged the ways of the plains and the plateau. Until the Shoshonis and the Blackfeet drove them out, the plains Kootenai traveled the prairies above and below the Canadian boundary. The Upper and Lower Kootenai lived, for the most part, in the rugged Kootenai Valley of southeastern British Columbia, northwestern Montana, and the Idaho Panhandle. Later, many Kootenais moved southward to the Flathead Lake area. The first British and American explorers found these people isolated in their remote mountain valleys. They had only limited contact with the whites until later in the 19th century.

Beyond the mountains lived the invaders from the east, the plains Indians who had, by 1800, driven the Salish and the Kootenai from the buffalo lands. The most fierce and powerful of these were the Blackfeet. The Blackfeet belonged to the Algonquian language group. They were very numerous, probably totaling 15,000 people by 1780. Three separate tribes made up the Blackfeet Nation: the Blackfeet proper or Siksika, to the far north; the Kainah or Bloods south of them; and the Piegans or Poor Robes on the far south. The earliest white explorers found them prior to 1650 on the central plains of Canada, already migrating westward under pressure from eastern neighbors like the Crees. The Piegans led the Blackfeet advance, and they collided with the Shoshonis on the Canadian-Montana plains. After acquiring the horse, the Blackfeet drove the Shoshonis south and west. By 1800, they had entered the Rocky Mountain foothills and pressed far southward into Montana.

At the time of Lewis and Clark early in the 19th century, the Piegan Blackfeet controlled northcentral Montana east of the mountains. Their war parties had forced the Shoshonis clear out of the Three Forks area of southwestern Montana, and that region remained a no-man's land where Blackfeet competed with other tribes for valuable game. Only the Piegans were true Montana Blackfeet, for the Bloods and Siksikas remained largely to the north in Canada. Urged on perhaps by the Canadians, the Blackfeet became mortal enemies of the American fur traders, and they kept the invaders at bay until disease struck them down during the late 1830's.

To the south and east of the Blackfeet, mainly in the Yellowstone Valley of southcentral Montana, lived their enemies, the Crows of Absarokas—the "Bird People." The Crows, of Siouan linguistic background, were among the earliest Indians to enter Montana from the east. Along with their close relatives, the Hidatsa, they broke away from the main Sioux nation at an early date. Most likely they lived originally in the upper Mississippi Valley area of Minnesota and Iowa. The domino effect of Indian migrations drove them onto the eastern edges of the plains. Eventually, Sioux and Cheyenne pressure forced them across the plains and up the Yellowstone Valley.

The whites found them divided into River Crows and Mountain Crows. The River Crows lived north of the Yellowstone River, especially in the Musselshell and Judith basins. The Mountain Crows hunted south of the Yellowstone, primarily in the Absaroka and Big Horn regions. Although they still maintained clan societies acquired in the East, which most of their plains neighbors had abandoned, all of the Crows had become nomadic plainsmen by 1800. The American invaders found the Crow to be quite friendly and "peaceful." They welcomed the whites because, surrounded by hostile Blackfeet and Sioux, they badly need allies, especially allies with guns.

Two smaller Indian groups lived beyond the Blackfeet in northeastern Montana; the Atsina and the Assiniboine. The Atsinas spoke an Algonquian language. They were close relatives of the Arapaho, who earlier moved southward into Wyoming and Colorado. Misunderstanding sign language, as they so often did, the French traders named them the "Gros Ventre" meaning "big bellies." This was doubly unfortunate, both because the Atsinas had ordinary stomachs and because the Hidatsas of Dakotas also became known as "Gros Ventre," leading to much confusion. The Atsinas migrated out of the Minnesota region, up onto the Canadian plains in close proximity to the Blackfeet, and they eventually settled directly to the east of them between the Missouri and Saskatchewan Rivers. They became close allies of the Piegans, so much as that the whites often mistook them for Blackfeet.

The Assiniboine Indians lived on the Canadian-American plains, with their southernmost flank extending down into northeastern Montana. They were Siouan in linguistic ancestry and at one time belonged to the Yanktonai branch of the Sioux Nation. The Assiniboines lived first, evidently, in the Mississippi headwaters area. Pressured by the Chippewa, Cree, and even the Sioux, with whom they became enemies after their break from the Yanktonai, the Assiniboines migrated northward and westward onto the plains. Like other tribes of the upper Missouri, they would be hard hit by the smallpox epidemic of the late 1830's.

The artificial boundary lines later drawn by white men meant nothing, of course, to migratory Indians. Their hunting lands had only vague boundaries, and they freely invaded one another's territory. So the place we call "Montana" was often visited by neighboring tribes from all points of the compass.

From the west, plateau neighbors of the Flatheads and Pend d'Oreilles frequently crossed over the Bitterroot passes and ventured onto the plains to hunt buffalo. These tribes, particularly the Spokans and Nez Perces, had to exercise considerable caution on their journeys, for the Indians guarded their hunting lands jealously. The Nez Perces usually entered Montana over the Lolo Pass, dropping down into the Bitterroot Valley. Often with the Flathead friends, they would head through Hellgate Canyon into Blackfeet country, or they would pass southeastward into the lands of the Crows. The Nez Perces would follow this latter route on their famous retreat of 1877.

Indians of the Shoshonean stock flanked Montana on the southwest and south. They included the Shoshonis themselves, the Bannocks, and the Sheepeaters. The Shoshonean people were desert and mountain dwellers from the Great Basin country of Utah, Nevada, and southern Idaho; their easternmost lands extended into westcentral Wyoming. As seen previously, their early mastery of the horse permitted the Shoshonis to conquer much of today's Montana during the 18th century, but by 1800, the Blackfeet had driven them into the state's southwestern corner. Lewis and Clark found them along the Idaho-Montana line near Lemhi Pass. Neither the Shoshonis nor the Bannocks became "legal" Montana residents during the 19th century, but they entered its southwestern extremities to hunt.

Eastward from present-day Montana, the great Sioux or Dakota Nation held control of the vast plains area north of Nebraska's Platte River. Prior to the mid-17th century, the Sioux lived along the western edges of the Great Lakes and in upper Mississippi woodlands. Invasions by well-armed enemies, like the Chippewa, crowded them westward until, by the late 19th century, they covered an area reaching from western Minnesota across the northern plains into the easternmost fringes of Montana and Wyoming. The westernmost Sioux tribes of the Yanktonai and Teton groups lapped into Montana, and today there are Sioux living with the Assiniboines on Montana's Fort Peck Reservation. Although the center of Sioux power lay well to the east of Montana, these numerous Indians figured largely in the state's frontier history, most spectacularly with their defeat of Custer in Montana Territory during the centennial year of 1876.

The Northern Cheyenne Indians intermingled with the Sioux and came be their friend and allies. The Cheyennes belong to the Algonquian language group. Like the Sioux, they were pushed from their traditional homeland in the Minnesota region. The Cheyenne paused for a time along the lower Missouri River and practiced agriculture. Then mountain pressure from the east forced them to resume their westward march. They crossed the Dakota plains, and by the time of Lewis and Clark, they had reached the Black Hills. In the process, they adapted well to the nomadic ways of the plains Indians. Their warriors became outstanding cavalry: the Cheyenne Dog Soldiers were among the most respected of Indian fighting men.

After reaching the Black Hills, the tribe divided, with the more numerous Southern Cheyennes heading down toward Colorado and Oklahoma and the Northern Cheyenne proceeding to the northwest. By the 1820's-1830's, the Northern Cheyenne lived among the Sioux in the area where borders of Montana, Wyoming and South Dakota converge. These late-arriving Indians would, in future years, join the Sioux in the wars that led to Custer's defeat, and they would eventually receive a small reservation on the Tongue River in southeastern Montana.

The last of Montana Indian residents to enter the state were bands of Chippewa, Cree, and Metis who began filtering across the Canadian and North Dakota borders later in the 19th century. Some of these scattered bands and families were refugees from the unsuccessful rebellion that Louis Riel led against the Canadian government in 1885. Others, like the band of Chief Little Shell, came in from North Dakota. The Montana Crees and Chippewas are only splinters of much larger Indian groups. Of Algonquian heritage, the numerous Crees came originally from the frozen forests and plains of Canada. The Chippewa (Ojibwa) were Athabaskan-speaking people from both north and south of the Great Lakes. A large proportion of these latecomers consisted of the Metis, or mixed bloods. Predominantly Cree, the Metis were actually a group apart, a racial mixture of Cree, Assiniboine, Chippewa, and French stock who spoke a language all their own.

These refugee Indians presented a problem to state and federal officials, who did not know what to do with them. Known as "landless Indians" they moved about from town to town and became familiar figures at Havre, Chinook, and even Butte. Their settlement in Great Falls, "Hill 57," was a byword for Indian poverty. Finally, in 1916, the federal government carved a tiny reservation for the Chippewa-Cree (and Metis) from the large Fort Assiniboine Military Reserve south of Havre. The reservation is known as "Rocky Boy's" named for the famous Chippewa Chief Stone Child whose name was misinterpreted by the whites as "Rocky Boy." Thus, the last of Montana's seven Indian reservations took shape only 60 years ago.

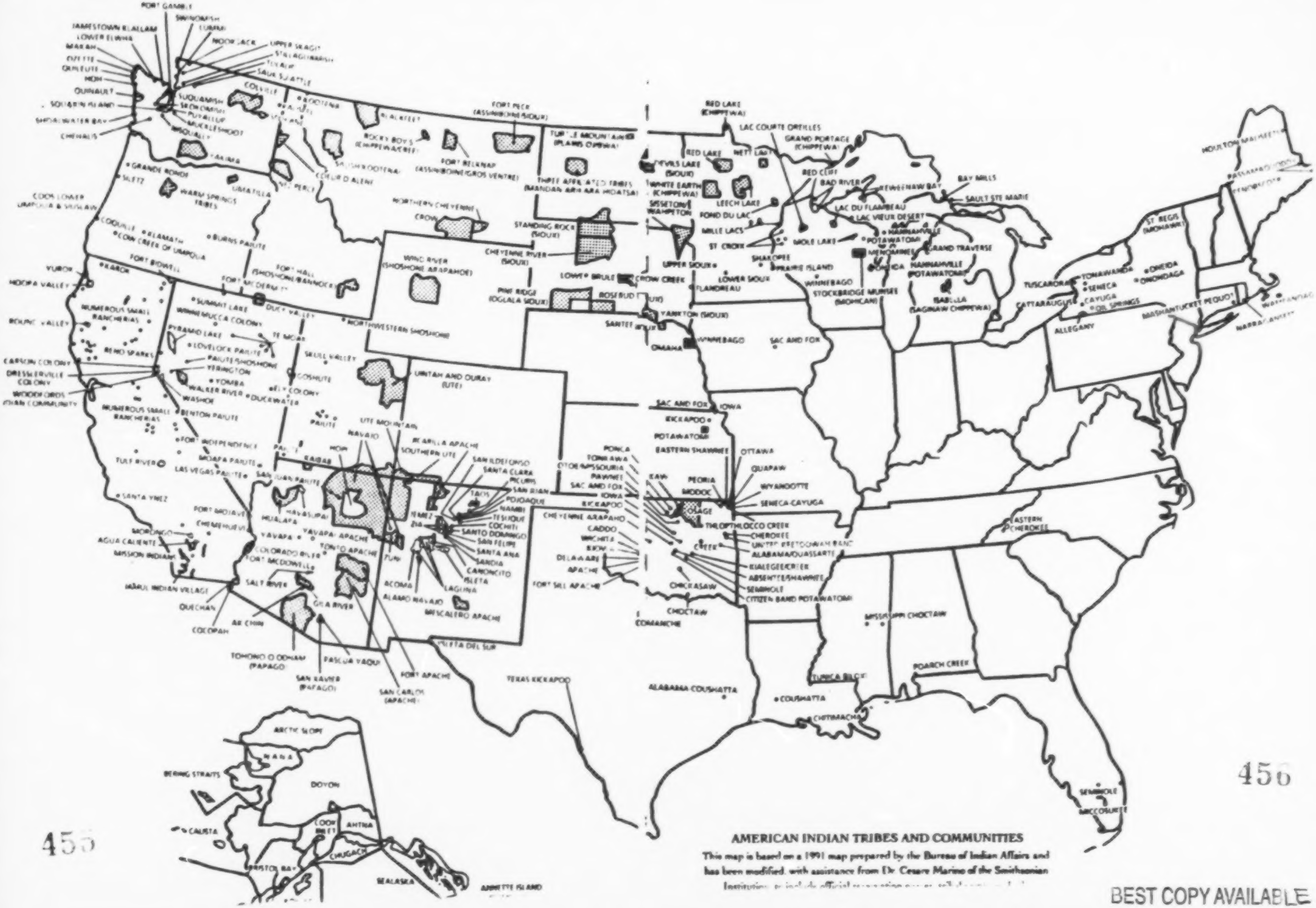
So these were the native peoples of what became Montana. Most of them, interestingly, were late arrivals. Some others, like the Cheyenne, Chippewa, and Cree would not even reside within Montana's borders until later in the 19th century. They formed a highly diversified group, combining plateau-mountain peoples from the west, Great Basin Indians from the south, hardy plainsmen from the north and east. Prior to 1800, Montana was the eye of a cultural hurricane, where Indians migrating from all directions, bringing horses and guns with them, met to create new and unusual societies. These Indians would share a common fate in the years following 1800, as American and Canadian governments drove them from their lands, reduced them by war, disease, and alcohol, and shattered their native cultures. Their descendants live today on seven Montana reservations and in many Montana communities.

The reader needs to understand that approximately half of Montana's Indians live off of the seven reservations, and live in several of the state's major cities. They have also moved to urban areas throughout the United States or may live on a reservation where they are not officially enrolled. In addition, many Indian people who are not members of Montana's tribes, also live on and off the state's reservations. For example, in 1985 the Great Falls school system had Indian students who were members of 35 different U.S. tribes enrolled in their schools. The Missoula school district enrolled Indian children from approximately 28 tribes in 1990-91.

The Montana tribes and the headquarters of their reservations are:

Reservation & Headquarters	Date Established	Name of Tribes
Blackfeet Browning, MT	1851	Blackfeet
Crow Crow Agency, MT	1851	Crow
Flathead Ronan, MT	1855	Confederated Salish and Kootenai
Fort Belknap Fort Belknap Agency Harlem, MT	1888	Assiniboine and Gros Ventre
Fort Peck Poplar, MT	1888	Assiniboine and Sioux
Northern Cheyenne Lame Deer, MT	1884	Northern Cheyenne
Rocky Boy's Box Elder, MT	1916	Chippewa/Cree

NOTE: The Little Shell Band of Chippewa-Cree is, at present, seeking federal recognition. The tribe is headquartered in Montana, but does not have a reservation, as such.


FORT GAMBLE
SWINOMISH
LUMMI
JAMESTOWN KLALLAM
LOWER ELWHA
NOOKSACK
UPPER SKAGIT
STILLAGUAMISH
TULALIP
SAUK SUIATTLE
MAKAH
OZETTE
QUILEUTE
HOH
QUINAULT
SQUAXIN ISLAND
SUQUAMISH
SKOKOMISH
PUYALLUP
MUCKLESHOOT
NISQUALLY
SHOALWATER BAY
CHEHALIS
COLVILLE
KOOTENAI
KALISPEL
SPOKANE
YAKIMA
GRANDE RONDE
SILETZ
UMATILLA
NEZ PERCE
COEUR D'ALENE
SALISH KOOTENAI
WARM SPRINGS TRIBES
COOS LOWER UMPQUA & SIUSLAW
COQUILLE
KLAMATH
COW CREEK OF UMPQUA
BURNS PAIUTE
FORT BIDWELL
FORT McDERMITT
FORT HALL (SHOSHONE BANNOCK)
YUROK
KAROK
HOOPA VALLEY
NUMEROUS SMALL RANCHERIAS
ROUND VALLEY
SUMMIT LAKE
WINNEMUCCA COLONY
DUCK VALLEY
NORTHWESTERN SHOSHONE
PYRAMID LAKE
TE MOAK
LOVELOCK PAIUTE
RENO SPARKS
PAIUTE SHOSHONE
YERINGTON
SKULL VALLEY
GOSHUTE
CARSON COLONY
DRESSLERVILLE COLONY
WOODFORDS INDIAN COMMUNITY
YOMBA
WALKER RIVER
ELY COLONY
DUCKWATER
WASHOE
NUMEROUS SMALL RANCHERIAS
BENTON PAIUTE
PAIUTE
FORT INDEPENDENCE
MOAPA PAIUTE
PAIUTE
KAIBAB
TULE RIVER
LAS VEGAS PAIUTE
SAN JUAN PAIUTE
SANTA YNEZ
FORT MOJAVE
HAVASUPAI
HUALAPAI
CHEMEHUEVI
YAVAPAI
YAVAPAI APACHE
MORONGO
AGUA CALIENTE
MISSION INDIANS
COLORADO RIVER
FORT McDOWELL
TONTO APACHE
SALT RIVER
JAMUL INDIAN VILLAGE
QUECHAN
AK CHIN
GILA RIVER
COCOPAH
TOHONO O'ODHAM (PAPAGO)
PASCUA YAQUI
SAN XAVIER (PAPAGO)
SAN CARLOS (APACHE)
FORT APACHE
BLACKFEET
ROCKY BOY'S (CHIPPEWA/CREE)
FORT BELKNAP (ASSINIBOINE/GROS VENTRE)
FORT PECK (ASSINIBOINE/SIOUX)
NORTHERN CHEYENNE
CROW
WIND RIVER (SHOSHONE ARAPAHOE)
UINTAH AND OURAY (UTE)
TURTLE MOUNTAIN (PLAINS OJIBWA)
THREE AFFILIATED TRIBES (MANDAN ARIKARA HIDATSA)
STANDING ROCK (SIOUX)
CHEYENNE RIVER (SIOUX)
LOWER BRULE
CROW CREEK
PINE RIDGE (OGLALA SIOUX)
ROSEBUD (SIOUX)
YANKTON (SIOUX)
SANTEE SIOUX
OMAHA
WINNEBAGO
UTE MOUNTAIN
NAVAJO
HOPI
JICARILLA APACHE
SOUTHERN UTE
SAN ILDEFONSO
SANTA CLARA
PICURIS
TAOS
SAN JUAN
POJOAQUE
NAMBE
TESUQUE
JEMEZ
ZIA
COCHITI
SANTO DOMINGO
SAN FELIPE
SANTA ANA
SANDIA
CANONCITO
ISLETA
ZUNI
ACOMA
LAGUNA
ALAMO NAVAJO
MESCALERO APACHE
YSLETA DEL SUR
TEXAS KICKAPOO
RED LAKE (CHIPPEWA)
LAC COURTE OREILLES
GRAND PORTAGE (CHIPPEWA)
DEVILS LAKE (SIOUX)
RED LAKE
NETT LAKE
WHITE EARTH (CHIPPEWA)
SISSETON WAHPETON
LEECH LAKE
FOND DU LAC
MILLE LACS
ST CROIX
UPPER SIOUX
SHAKOPEE
PRAIRIE ISLAND
LOWER SIOUX
FLANDREAU
RED CLIFF
BAD RIVER
KEWEENAW BAY
BAY MILLS
SAULT STE MARIE
LAC DU FLAMBEAU
LAC VIEUX DESERT
HANNAHVILLE
POTAWATOMI
MOLE LAKE
MENOMINEE
GRAND TRAVERSE
ONEIDA
HANNAHVILLE (POTAWATOMI)
WINNEBAGO
STOCKBRIDGE MUNSEE (MOHICAN)
ISABELLA (SAGINAW CHIPPEWA)
SAC AND FOX
SAC AND FOX
IOWA
KICKAPOO
POTAWATOMI
EASTERN SHAWNEE
OTTAWA
QUAPAW
PONCA
TONKAWA
OTOE MISSOURIA
PAWNEE
KAW
PEORIA
MODOC
WYANDOTTE
SAC AND FOX
IOWA
SENECA-CAYUGA
KICKAPOO
OSAGE
THLOPTHLOCCO CREEK
CHEYENNE ARAPAHO
CHEROKEE
CADDO
UNITED KEETOOWAH BAND
WICHITA
CREEK
ALABAMA/QUASSARTE
KIOWA
DELAWARE
KIALEGEE CREEK
APACHE
ABSENTEE SHAWNEE
FORT SILL APACHE
SEMINOLE
CHICKASAW
CITIZEN BAND POTAWATOMI
CHOCTAW
COMANCHE
ALABAMA COUSHATTA
COUSHATTA
CHITIMACHA
TUNICA BILOXI
MISSISSIPPI CHOCTAW
POARCH CREEK
EASTERN CHEROKEE
SEMINOLE
MICCOSUKEE
ST REGIS (MOHAWK)
TUSCARORA
TONAWANDA
SENECA
ONEIDA
ONONDAGA
CAYUGA
OIL SPRINGS
CATTARAUGUS
ALLEGANY
MASHANTUCKET PEQUOT
WAMPANOAG
NARRAGANSETT
HOULTON MALISEET
PASSAMAQUODDY
PENOBSCOT
ARCTIC SLOPE
NANA
BERING STRAITS
DOYON
CALISTA
COOK INLET
AHTNA
CHUGACH
BRISTOL BAY
SEALASKA
ANNETTE ISLAND

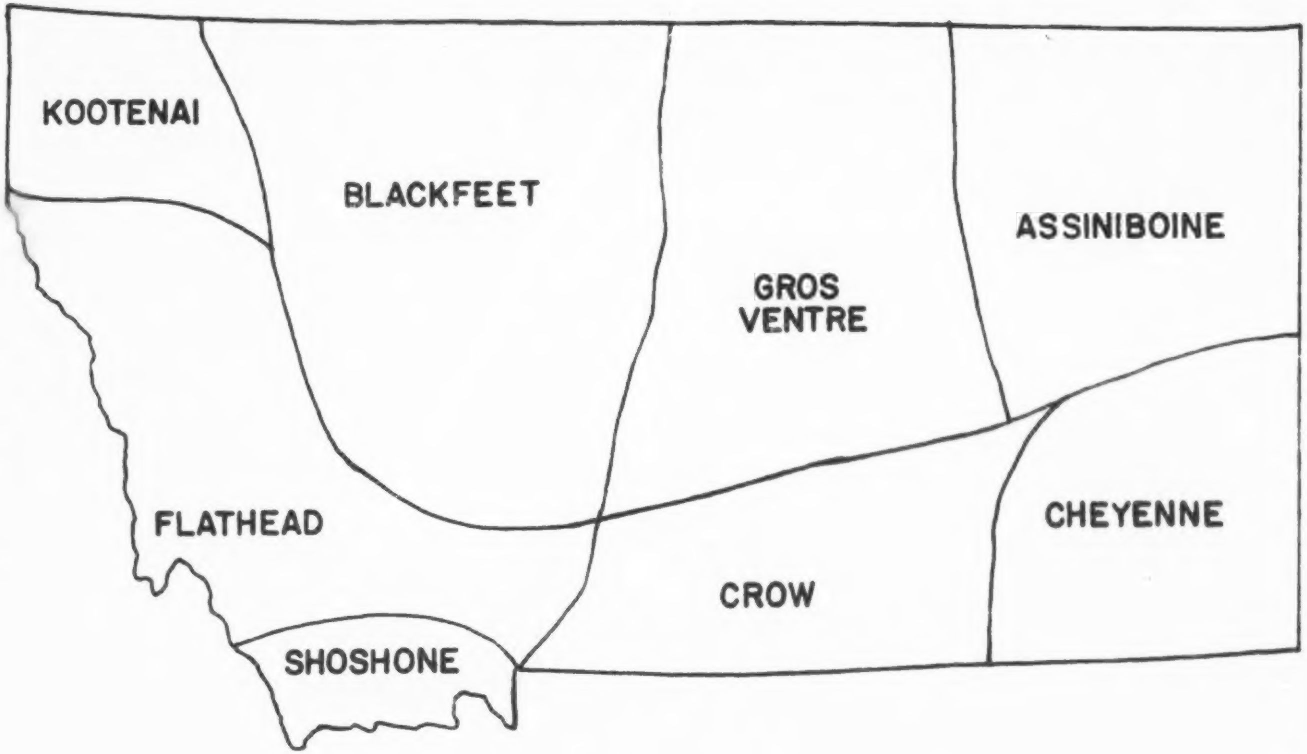
AMERICAN INDIAN TRIBES AND COMMUNITIES

This map is based on a 1991 map prepared by the Bureau of Indian Affairs and has been modified, with assistance from Dr. Cesare Marino of the Smithsonian Institution, to include official [illegible]

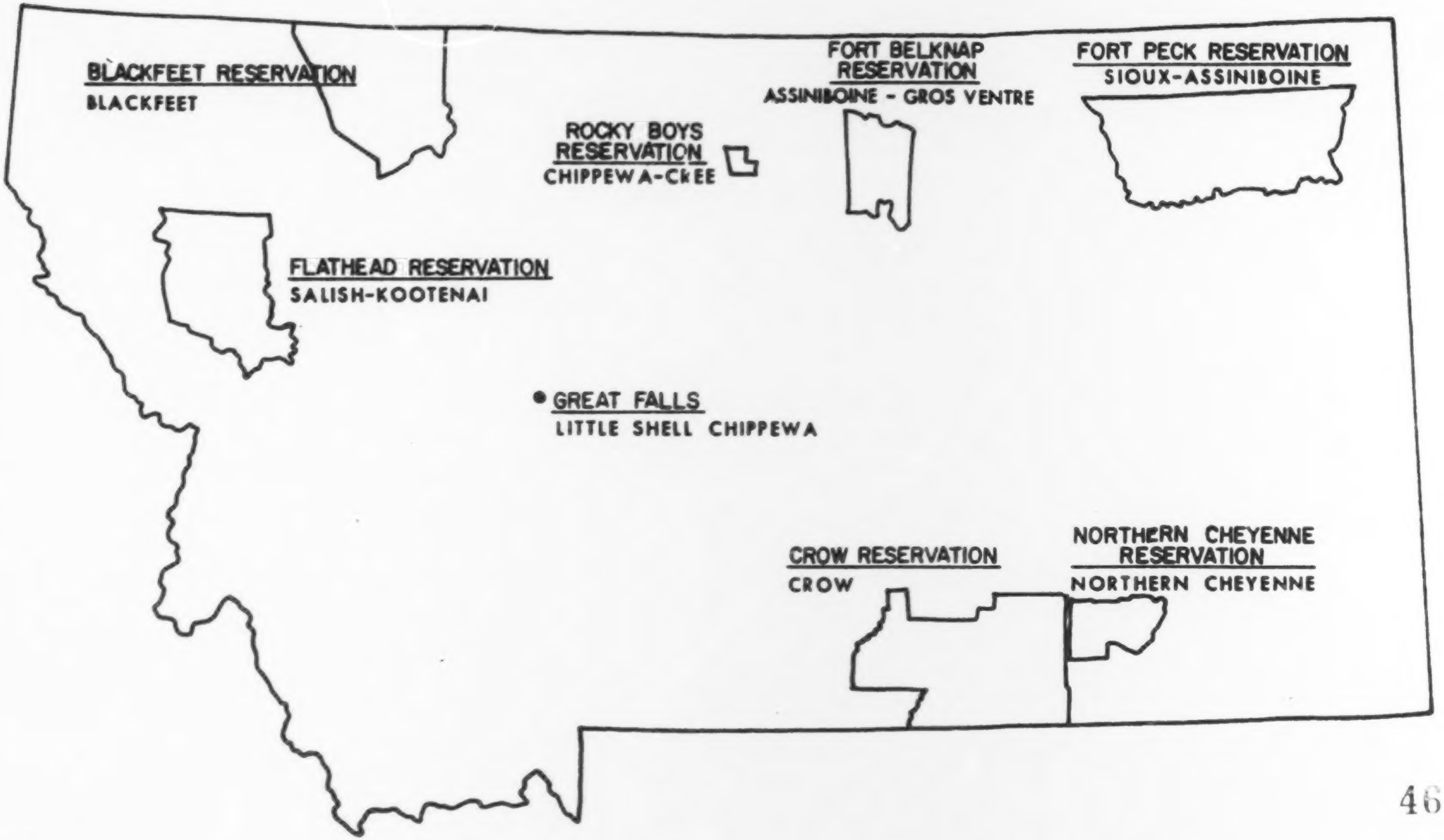
BEST COPY AVAILABLE

EARLY TRIBAL DISTRIBUTION

(ABOUT 1850)


KOOTENAI
BLACKFEET
ASSINIBOINE
GROS VENTRE
FLATHEAD
CHEYENNE
CROW
SHOSHONE

MONTANA INDIAN RESERVATIONS


BLACKFEET RESERVATION
BLACKFEET
ROCKY BOYS RESERVATION
CHIPPEWA-CREE
FORT BELKNAP RESERVATION
ASSINIBOINE - GROS VENTRE
FORT PECK RESERVATION
SIOUX-ASSINIBOINE
FLATHEAD RESERVATION
SALISH-KOOTENAI
GREAT FALLS
LITTLE SHELL CHIPPEWA
CROW RESERVATION
CROW
NORTHERN CHEYENNE RESERVATION
NORTHERN CHEYENNE

460

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Montana's Indian Tribes

461

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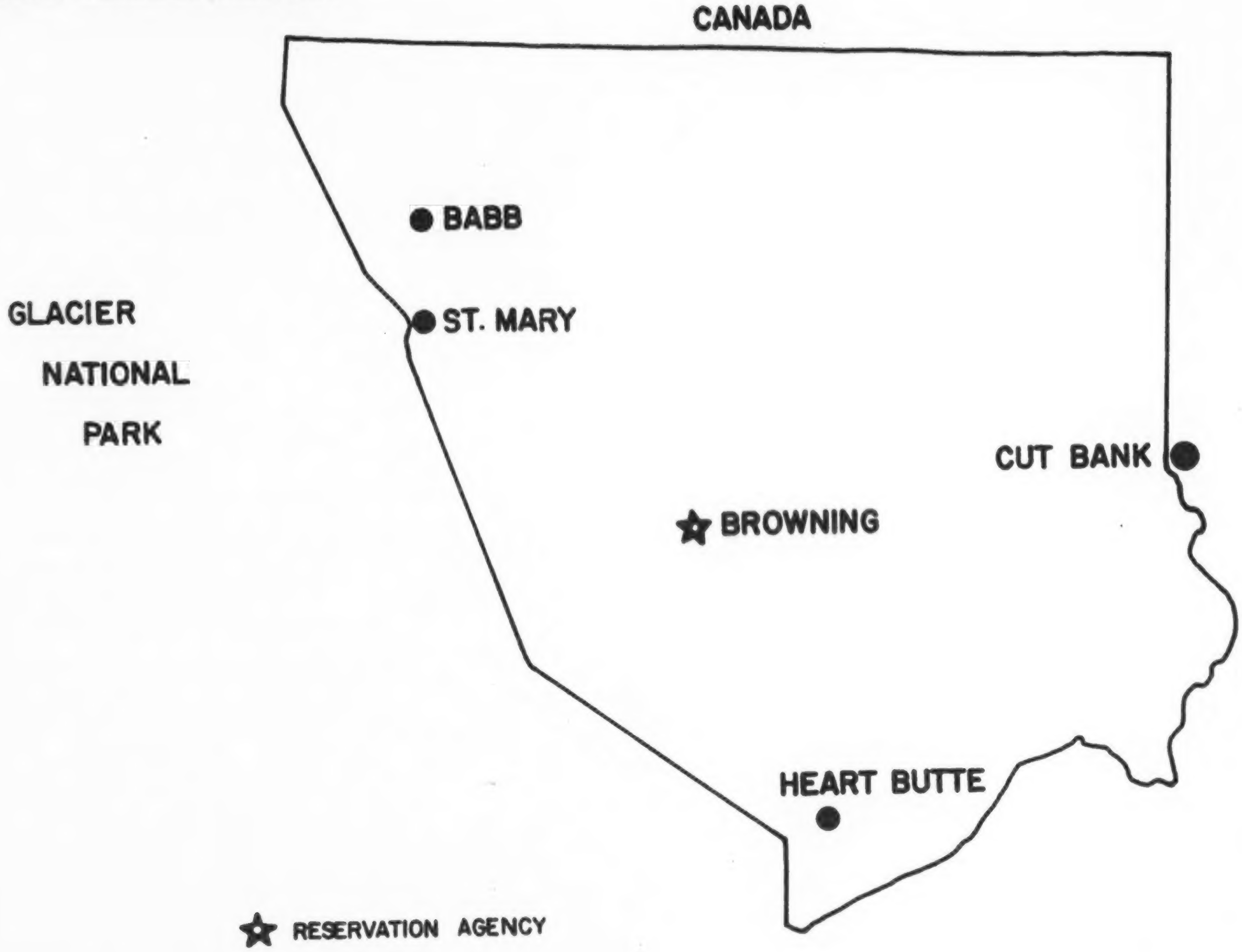
BLACKFEET RESERVATION

BLACKFEET


CANADA
BABB
GLACIER
NATIONAL
PARK
ST. MARY
CUT BANK
BROWNING
HEART BUTTE
☆ RESERVATION AGENCY

BLACKFEET RESERVATION

LOCATION

The Blackfeet Indian Reservation is located in northeastern Montana along the eastern slopes of the Rocky Mountains. It is bounded on the north by the United States-Canadian boundary and extends 52 miles south to Birch Creek. The foothills of the Rockies form the western boundary and the eastern boundary approximates and imaginary line which starts near the junction of Cut Bank Creek and the Marias River and extends northward. Within these boundaries, the land is mainly high, rolling prairies interspersed with rivers and creeks. The mountains found along the western border range in altitude between 4,400 to 9,600 feet.

Browning, the gateway to Glacier National Park, is an incorporated town on the reservation. It has been the headquarters of the Blackfeet Indian Agency since 1894 and is the principal shopping center on the Reservation. Other communities located throughout the Reservation include East Glacier Park, Babb, St. Mary, Starr School, and Heart Butte.

POPULATION*

Indians living on or near the Blackfeet Reservation	7,179
Indians living off the Blackfeet Reservation	6,094
Total number of enrolled Tribal members	13,273
Approximate number of non-Indians residing on the Blackfeet Reservation	2,500

*Statistical information obtained from the Bureau of Indian Affairs, Billings, Area Office, Data Processing Center, September, 1988. Also, Bureau of Indian Affairs, Blackfeet Indian Agency, March, 1989.

LAND STATUS*

Total acres within the Reservation's Boundary	1,525,712 acres
Individually allotted lands	716,865 acres
Tribally owned lands	272,464 acres
Fee title or State lands	536,247 acres
Government lands	136 acres

About 35 percent of the land is owned by non-Indians. Major uses of the land are for ranching and farming. About 5.3 percent of the land is in timber. The principal crops are wheat, barley, and hay.

HISTORICAL BACKGROUND

The present day Blackfeet are descended from tribes known as the Blackfeet (Siksika), Kainah or Bloods, and Piegans, all of Algonquian linguistic stock. These three tribes shared a common culture, spoke the same language, and held a common territory. Members of these tribes lived in the present Province of Saskatchewan until 1730, when they started to move southwestward where the buffalo and other game were more abundant. Although there is some controversy over the origin of their name, "Blackfeet" is thought to refer to the characteristic black color of their moccasins, possibly painted by the Indians themselves or darkened by fire ashes.

Prior to the 1800's the Blackfeet had little opportunity to engage in conflicts with either the whiteman or Indians. The location of their territory was such that the Blackfeet were relatively isolated and thus, they encountered the whiteman later than most tribes. During the first half of the 19th century, white settlers began entering the Blackfeet territory bringing with them items for trade with the Indians.

The Blackfeet were indirectly introduced to a great variety of trade material through Cree and Assiniboine traders who traded furs and buffalo hides to traders of the Hudson's Bay Company far to the northeast. Realizing the efficiency of the whiteman's metal tools, utensils, and weapons, the Indians were eager to trade for wares that made life easier.

The horse and gun soon revolutionized the Blackfeet Indian culture. The whiteman's guns offered a formidable new defense against their enemies. Competition for the better hunting territories and the desire to acquire more and better horses led to intertribal warfare. The Blackfeet Indians quickly established their reputation as warriors and demanded the respect of other Indian tribes and the whiteman alike.

Although they were not officially represented or even consulted, a vast area was set aside for the Blackfeet Tribes by the Fort Laramie Treaty of 1851. In 1855, the government made a treaty with the Blackfeet and several of their neighboring tribes which provided for use of a large portion of the original reservation as a common hunting territory.

In 1865 and 1868, treaties were negotiated for their lands south of the Missouri, but were not ratified by Congress In 1873 and 1874, the Blackfeet southern boundary was moved 200 miles north by Presidential orders and Congressional Acts. The land to the south was opened to settlement. The Blackfeet were forced to accept reservation living and dependence upon rationing for survival. In 1888, additional lands were ceded and separate boundaries established for the Blackfeet, Fort Belknap, and Fort Peck Reservations.

During the winters of 1883 and 1884, the Blackfeet experienced unsuccessful buffalo hunts. After the disappearance of the buffalo, the Blackfeet faced starvation and were forced to depend upon the U.S. Government for subsistence.

ORGANIZATIONAL STRUCTURE

The Blackfeet Indian Tribe was organized in 1935 under the Indian Reorganization Act. It exists both as a political entity and a business corporation. All tribal members are shareholders in the corporation. The Tribal Council of nine members conducts both the political and business affairs of the tribe and the corporation. The councilmen are elected by secret ballot of eligible tribal members and serve for two-year periods. The tribal council elects and appoints its own officers and hires its own staff. In the past, the Council has been granted broad political powers.

Membership in the Blackfeet Indian Tribe is restricted by the tribal constitution to persons of "Indian blood whose names appear on the official census rolls of the tribe as of January 1, 1935 ... and all children born to any blood members." The constitution requires one-fourth or more Blackfeet blood quantum for membership in the tribe. Nearly 27 percent of those who are enrolled members of the Blackfeet Tribe are of three-fourths or more Indian blood.

HOUSING

Various government programs have been established for purposes of providing assistance in improving the housing situation on reservations. The U.S. Department of Housing and Urban Development has funded "low rent" construction programs and 50 such units were opened to family dwellings in the mid-60's and 55 others during the summer of 1970. Another program, Mutual Help Housing, constructed its first units for occupancy in 1965 and in each succeeding year thereafter in Browning, Babb, and Starr School. In this cooperative effort, individual purchasers of housing units contribute their labor to build their own houses and then to help build their neighbors' houses. After the tragic flood of 1964 left 129 Blackfeet families homeless, a "Flood Rehabilitation" program was launched. The "Revolving Credit" program of the Bureau of Indian Affairs is another source of assistance for new housing. Five new houses were constructed in the FY 1988.

MEDICAL FACILITIES

The Department of Health and Human Services operates a 27 bed hospital. Emergency room facilities are available. The staff include six physicians, three dentists, four community health workers, field nurses, and a sanitarian, plus 60 other support staff. A psychologist, pediatrician, optometrist, and radiologist are available. The tribe administers the Community Health Representative (CHR) program which employs 22 tribal members.

EDUCATION

In contrast to half a century ago, the great percentage of Blackfeet today speak fluent English. The several modern schools on the reservation are administered by a locally-elected school board, under the Montana State Education Department, and subjected to compulsory school laws.

Elementary and high school students attend public schools located in Browning, Starr School, Heart Butte, East Glacier and Croff-Wren. In addition, the Blackfeet Boarding Dormitories are operated to provide homes during the school year for elementary children from isolated districts. Each year, the number of high school graduates going to college increases. Students attend colleges and universities off the reservation often with tribal and BIA grants and scholarships.

The Blackfeet Community College offers a two-year associates degree in arts and sciences.

EMPLOYMENT AND INCOME

Unemployment is a major problem on the Blackfeet Reservation. Currently the unemployment rate ranges between 40 and 50 percent. There is not much opportunity for steady work and much of the labor force must depend on firefighting and other seasonal type jobs.

Throughout the years various tribal enterprises have been undertaken to increase opportunities for the tribe to become self-supporting. An industrial development corporation has been formed, and through tribal participation combined with EDA grant, the tribe has completed an industrial park. There have been other tribal investments of lands, combined with federal loan programs and grants, which have resulted in employing local Indian laborers in the construction of a tribal office, a modern jail, and a community center.

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The Blackfeet Writing Company has been 100 percent owned and operated by the tribe for the past 8 years producing pens, pencils and felt tip markers. Located in the tribe's industrial park, the plant provides employment for about 80 full-time employees working two shifts. Ninety percent of these employees are Indian.

Some of the Blackfeet Indians earn profits from the sale of their crafts to tourists passing through the reservation to and from Glacier Park, or through retail stores operated during the tourist season in St. Mary's.

The new industries and the new developments in the economy have provided jobs for some of the Blackfeet people; however, there are still many more tribal members in need of jobs.

Tribal members derive their income chiefly from farming, stock raising, timber and forest products, crafts, and oil activity. Although 87 percent of the trust land is used for agricultural purposes, most agricultural units are too small to provide complete family support.

Oil and natural gas production and refining have proved to be contributing industries to the Blackfeet economy. Oil lease money and bonus payments for leasing rights add directly to the economy.

RECREATION

Recently, the Blackfeet Tribe has been addressing the development of tourist trade on the Reservation. The potential for outdoor recreational developments on the reservation has always been exceptional. Over 175 miles of rivers and streams and eight major lakes offer some of Montana's best fishing. The possibilities are greatly enhanced by virtue of the reservation's close proximity to Glacier National Park.

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A principal attraction on the Blackfeet Reservation is the Museum of the Plains Indians operated under the direction of the Indian Arts and Crafts Board. Since its opening in 1941, thousands of visitors have stopped at the museum. Another museum located in Browning, the Montana Wildlife Museum, features wildlife dioramas and Indian culture indigenous to the area.

A tourist facility called Chewing Blackbones, located on the eastern shore of Lower St. Mary's Lake, was opened in 1978. It is situated near the entrance to Glacier National Park on U.S. Highway 89 near St. Mary's and four miles south of Babb. Facilities include camping grounds, a marina, and a general store.

ANNUAL FESTIVITIES

The North American Indian Days Celebration is a four-day event, which the Blackfeet Tribe hosts each year during the second or third week in July. The Indian Days celebration includes a parade in Browning and other activities such as dancing, singing, drumming, special dance contests, feasts, stick games, and "give-aways." Visitors are welcome to participate.

Other events held on the Blackfeet Reservation are:

- Birch Creek Rodeo, May
- Starr School Indian Days, June
- Babb Rodeo, July
- Depot Coulee Rodeo, July
- Heart Butte Indian Days, July
- Starr School Rodeo, near Labor Day

POINTS OF INTEREST

Museum of the Plains Indian, U.S. 89
Browning, MT 406-338-2230
The museum exhibits the creative achievements of North American artists and craftspeople. A permanent exhibit displays artifacts of the Northern Plains Indians and two special galleries feature changing presentations. The museum also houses a gift shop. Next to the museum is "In the Footsteps of the Blackfeet," an authentic re-creation of an encampment.

Blackfeet Community College
Browning, MT 406-338-5441
Two-year associate's degrees are offered in the Arts and Sciences. A new library is under construction.

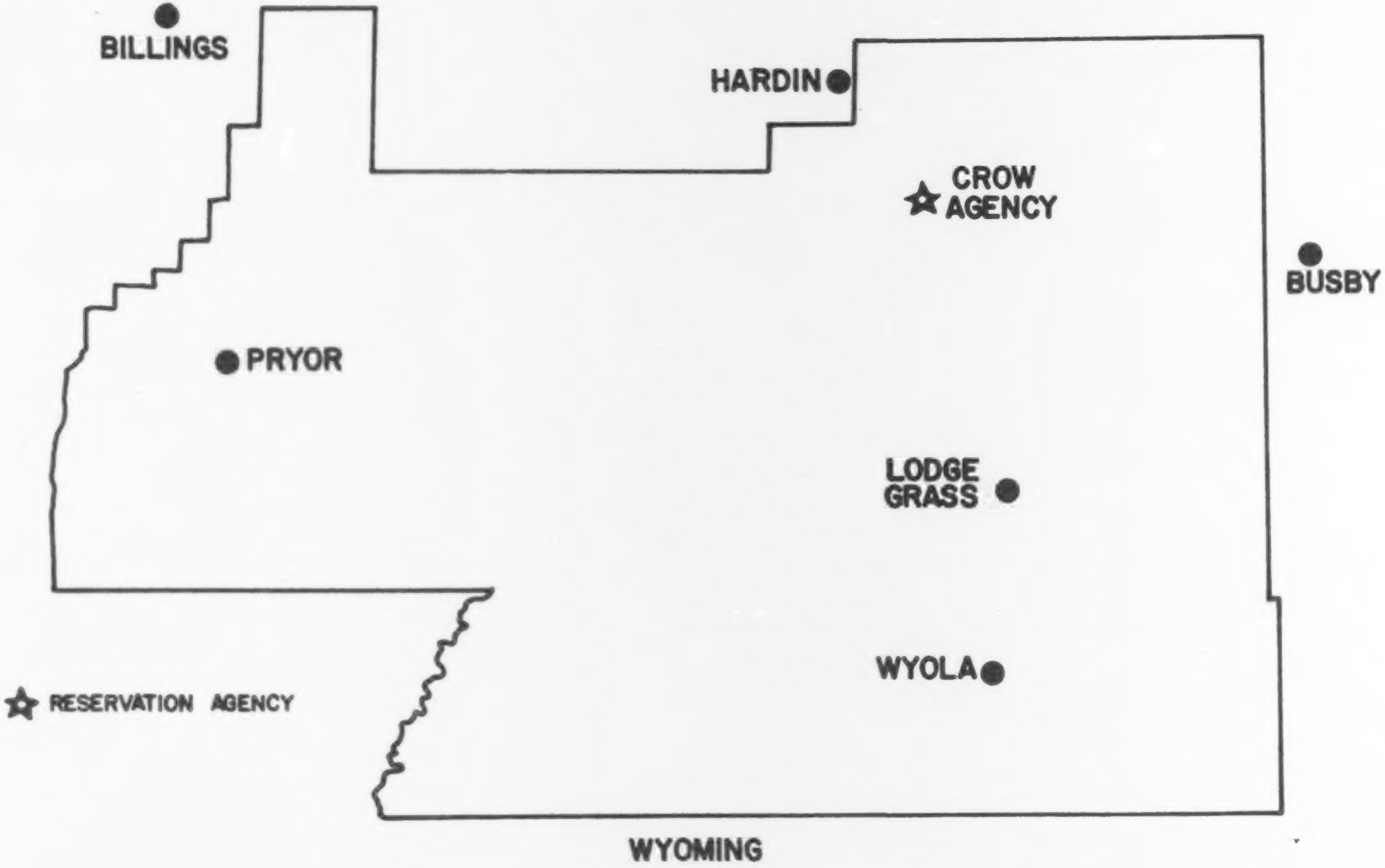
Blackfeet Historic Site Tour, 406-338-7406
The historic site tours are half and full-day tours of the reservation and Head Smashed In Buffalo Jump. The tour begins at the Museum of the Plains Indians.

Sun Child Re-Creation Camp, 406-338-2882
Values, beliefs and traditions of the Plains Indians are taught. Participants sleep in tepees, build smokeless fires and dine on traditional foods.

For more information about the Blackfeet Reservation, contact Blackfeet Nation, PO Box 850, Browning, MT 59417 406-338-7276.

CROW RESERVATION

CROW


BILLINGS
HARDIN
CROW AGENCY
BUSBY
PRYOR
LODGE GRASS
WYOLA
WYOMING
☆ RESERVATION AGENCY

CROW RESERVATION

LOCATION

Located mainly in Big Horn County, the Crow Indian Reservation covers an area of approximately 2 1/4 million acres of southcentral Montana. The reservation itself is divided into six "districts." These are: Reno, Lodge Grass, Pryor, St. Xavier, Wyola, and Black Lodge.

There are three main mountainous areas on the reservation, the Big Horn Mountains and Pryor Mountains to the south, and the Wolf Mountains to the east. These mountains, meeting the plains and range areas, produce a varied topography. In addition to the high mountains, the reservation included gravely or stony slopes, broad hilltops with soils generally capable of supporting and maintaining excellent vegetative cover, level, and productive irrigated valleys along the Big Horn and Little Big Horn Rivers and Pryor Creek, deep canyons and extensive areas of rolling plateau.

The nearest service center is Hardin, Montana, immediately adjacent to the reservation's northern boundary where restaurants, shops, and motels are available.

POPULATION*

Indians living on or near the Crow Reservation	6,883
Indians living off the Crow Reservation	1,066
Total number of enrolled Tribal members	7,949

LAND*

Total acres within the Reservation's boundary	2,295,092 acres
Individually allotted lands	1,187,597 acres
Tribally owned lands	374,740 acres
Fee title or State lands	731,355 acres
Government lands	1,400 acres

In 1973, over 31 percent of the land was owned by non-Indians. The Crow Indians operate only a small portion of their irrigated or dry farm acreage and only about 30 percent of their grazing land. More authority for the leasing of land without supervision has been extended to the Crows than to any other Indian Tribe in Montana. Special legislation in 1920 followed by modifications in 1926, 1948, and 1949, resulted in the designation of most Crow Indians to contract independent leases for individually owned land.

HISTORICAL BACKGROUND

The ancestors of the Crow Indians came from a "land of many lakes," probably in the headwaters of the Mississippi or further north in the Winnipeg Lake region. They eventually settled along the Missouri River in what is now the states of North and South Dakota. These people lived in semi-permanent villages of lodges covered with earth. They became known as the "people who lived in earthen lodges."

Nearly 400 years ago, these people divided into two factions. One group, the Hidatsa, remained along the Missouri. The other group, the Absarokee, migrated westward and eventually claimed most of what is now eastern Montana and northern Wyoming as homeland. At the time of the breakup, this group numbering about 500 was made up of several families. Its population reached about 8,000 before the smallpox epidemic of the middle 1800's. At that time, the Absarokee or Crow Tribe traveled in 2 or 3 groups or bands.

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* Statistical information obtained from the Bureau of Indian Affairs, Billings Area Office, Data Processing Center, September 1988.

In the Hidatsa language, this group was called ABSAROKEE which literally means "Children of the large-beaked bird," (ABSA meaning "large-beaked bird," and ROKEE meaning "children" or "offspring"). Other Indian tribes called these people the "Sharp People" meaning that they were as crafty and alert as the bird ABSA (probably the raven) for which they were named. In referring to them in the hand sign language, they would simulate the flapping of a bird's wings in flight. The early whitemen interpreted this sign to mean the bird "crow" and thus called the tribe the "Crows" or Crow Indians.

In 1825, the Crow Tribe and the United States signed a treaty of friendship. In 1851, the Fort Laramie Treaty established the boundaries for several tribes, including an area of 38,531,147 acres designated for the Crow Indians. This was followed by a second Fort Laramie Treaty in 1868 which reduced the Crow holdings to 8,000,409.20 acres.

An Act of Congress in 1882 resulted in further reduction of the land and as compensation, the government was to build houses for the Crows and to buy livestock for them. By this time, the tribe had been settled within the boundaries of the reservation for about 10 years. In 1890, more land was ceded to the government for which they received $946,000, In 1905 the last large land cession was made leaving about 3 million acres of land for the tribe.

The Crow Indians always felt the government failed to give adequate compensation for the land it acquired. The estimated value received was less than 5 cents per acre. In 1904, the Crow Tribe first initiated legal proceedings for just compensation for lands taken. In 1962, the Court of Indian Claims finally awarded a $10,242,984.70 judgment to the Crow Indians.

Since 1905, further attempts were made to reduce the Crow Reservation. Senator Dixon in 1910, Senator Meyers in 1915, and Senator Walsh in 1919, all sponsored legislation in Congress to open the balance of the Crow Reservation for settlement by the public, but all attempts failed. An Act of Congress passed on June 4, 1920, sponsored by the tribe itself, divided the remainder of the reservation into tracts which were allotted to every enrolled member of the tribe. The rough mountain areas were withheld from such allotment and remain in tribal ownership. The titles to these lands are held in trust by the federal government and allottees may not dispose of their lands without the consent and approval of the government.

ORGANIZATIONAL STRUCTURE

The Crow Tribe chose not to organize under the Indian Reorganization Act of 1934. Rather, they adopted a written constitution on June 24, 1948 and subsequently amended the constitution on December 18, 1961. Under this constitution, the tribe has a general council form of government in which every enrolled member has one vote if they are present during the general council meeting. One hundred or more tribal members constitute a quorum, and a quorum must be present before a vote can be taken on any important matter of tribal business. There is no representative tribal council. Under the constitution, the general council elects a chairman, vice-chairman, secretary and vice-secretary for two-year terms. The general council meets quarterly to conduct business. Various committees act on matters such as law and order enrollment, education, credit, health, oil and gas, industrial development, land purchase, and recreation.

HOUSING

Housing conditions on the Crow Reservation are poor, although approximately 250 HUD financed housing units have been constructed on the Crow Reservation since 1971. In 1987, 534 homes were built and an estimated 1,900 new homes are needed to meet current needs for new and replacement construction. There are an estimated 1,223 units in the current Indian housing inventory on the reservation, of which some 75 percent are considered to be in substandard condition. Overcrowding is a serious problem with 4.95 persons per household identified in the 1980 census.

MEDICAL FACILITIES

The Indian Health Service operates a 34 bed hospital at Crow Agency, Montana, with complete inpatient facilities. Satellite outpatient services are provided at the Lodge Grass and Pryor Clinics. A dental program is offered as well as environmental and sanitation health activities. Facilities at Crow Agency also serve the members of the Northern Cheyenne Tribe, who are located adjacent to the eastern boundary of the Crow Reservation.

EDUCATION

Primary and secondary education on the Crow Reservation is provided by the Montana state public school system. School facilities are situated at Crow Agency, Lodge Grass, Wyola, Hardin and Pryor. However, many students attend St. Labre Mission at Ashland, on the Northern Cheyenne Reservation; St. Xavier Mission at St. Xavier, and St. Charles Mission at Pryor, both on the Crow Reservation. Use of Bureau of Indian Affairs off-reservation boarding schools has reached an extremely low level (less than 20 students in the 1987-88 school years). The total on-reservation primary and secondary Indian student population reached an estimated 1,452 in the 1987-88 school year. Another 153 students attended colleges and universities, principally in the state of Montana.

The tribe operates the Little Big Horn College with headquarters at Crow Agency, Montana. The College received candidacy for accreditation from the Northwest Accreditation Council in 1984.

In efforts to reduce the rate of the use and abuse of drugs and alcohol, law enforcement staff worked closely with elementary and high schools on the Crow Indian Reservation, and have put on various presentations directed at prevention of drug and alcohol abuse, along with or in cooperation with other agencies.

EMPLOYMENT AND INCOME

As of September 1, 1988, there were 2,339 individuals in the Crow labor force. Of these, 524 held full-time employment, while 1,815, or 78 percent, were unemployed. Unemployment reaches its peak of an estimated 85 percent during the winter months. The average annual unemployment rate on the reservation has held above 60 percent in recent years and has not dropped below 39 percent since 1976.

The economy of the Crow Reservation remains based almost entirely upon government services to the people and agriculture, farming, and ranching, although few tribal members are self-sustaining in these activities. The high winter unemployment is relieved to some extent in the spring and summer with farming, ranching, and construction work. The curtailment of the federal public services job programs in the 1980's has contributed to a sustained rise in the annual unemployment rate. Over 75 percent of the on-reservation Indian population has income below the current federally established poverty levels.

The Bureau of Indian Affairs through the Indian Finance Act approved two Indian Business Development grants for $108,333. One enterprise known as Crows, Inc., required an $813,000 capital investment with a $100,000 grant for an RV park, tepee village, gas station, convenience store, amphitheater and Indian trading post complex. This business will create 28 jobs for Indians on the Crow Reservation. The other business is for a portable sawmill operation requiring a $33,000 capital investment with an $8,333 grant. This new business will create five jobs on the Crow Reservation.
Principal employers in the existing economy are the Bureau of Indian Affairs, Indian Health Service, Tribal Government, coal mining operations, farming, ranching, and education related services. Income from the leasing of trust lands represents the major income resource for most on-reservation tribal members.

RECREATION ATTRACTIONS

The building of the Yellowtail Dam, a 525 foot high, thin arch dam, resulted in the creation of a 70-mile long lake of spectacular scenic beauty in the Big Horn Canyon. The land and some of the surrounding area has been designated a National Recreation Area.

The Secretary of the Interior has approved a Memorandum of Agreement between the Crow Tribe and the National Park Service to facilitate the development, administration and public use of the Big Horn Canyon Recreation Area. Much of this national recreation area lies within the boundaries of the reservation.

The Big Horn River which runs north and south through the reservation was opened to fishing by non-tribal members in 1981.

ANNUAL FESTIVITIES

During the third week in August each year, the Crow Fair Celebration and Pow-wow is held. Indians from around the United States and Canada travel to the Crow Reservation to set up as many as 500 tipis. The festivities include a parade, dances, Indian relay races, feasts, "give-aways," and the Annual All-Indian Rodeo and Race Meet. The celebration of this event has led to national recognition of the Crow Reservation as the "Tipi Capital of the World."

POINTS OF INTEREST

Bighorn Canyon National Recreation Area and Yellowtail Dam, Fort Smith, MT 406-666-2412
The canyon features spectacular scenery, wildlife viewing, boating, fishing and camping. There are two visitor centers–one at Fort Smith and one at Yellowtail Dam.

Little Bighorn Battlefield National Monument/Reno-Benteen Battlefield, Crow Agency, MT 406-638-2621
These monuments commemorate the Indian victory over the Seventh Cavalry. The Little Bighorn Battlefield National Monument features museum exhibits, an interpretive center and ranger-led programs.

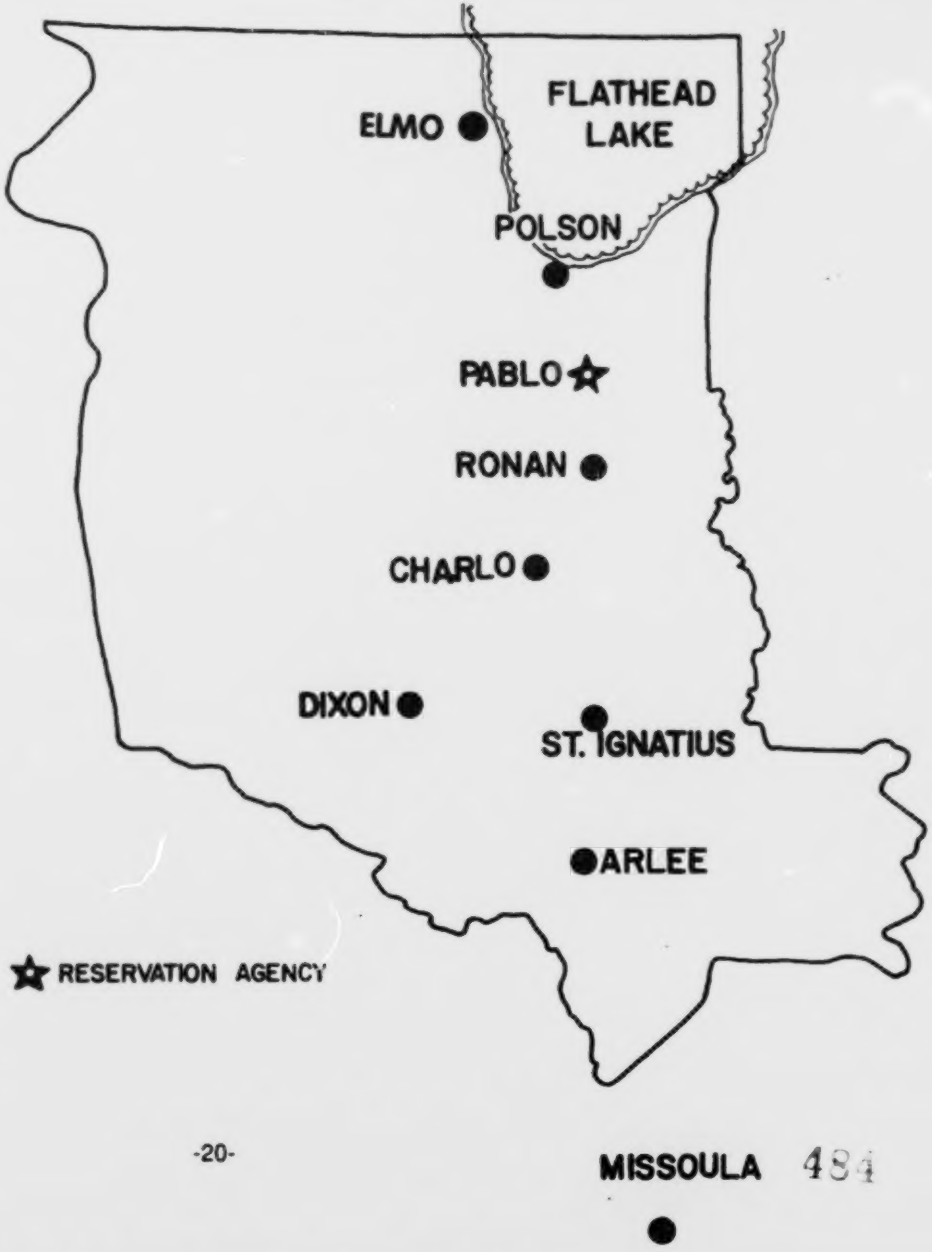
Chief Plenty Coups State Park, Pryor, MT 406-252-1289
This is the home of the well-known Crow Chief, Plenty Coups. There is a display of Crow artifacts and a scenic picnic area.

Little Big Horn College, Crow Agency, MT 406-638-7211
The college is home to the Institute for Micro-Business Development and offers associate's degrees in eight areas. Tours and lecture referrals are available.

For more information about the Crow Reservation, contact: Crow Reservation, Crow Agency, MT 59022 406-638-2601.

FLATHEAD RESERVATION

SALISH-KOOTENAI


FLATHEAD LAKE
ELMO
POLSON
PABLO
RONAN
CHARLO
DIXON
ST. IGNATIUS
ARLEE
MISSOULA
RESERVATION AGENCY

FLATHEAD RESERVATION

LOCATION

The Flathead Indian Reservation is located in northwestern Montana on the western slope of the Continental Divide. The present boundaries encompass portions of four Montana counties—Flathead, Lake, Missoula and Sanders. The land base is approximately 1,242,969 acres. The area of the reservation is a picturesque valley surrounded by Flathead Lake to the north and the Cabinet Mountains and Mission Range to the west and east respectively. Together these two mountain ranges meet near Evaro to form the southern boundary of the reservation. Near the southern end of the Mission Range, snow-capped peaks rise to 7,000 feet above the fertile valleys below. The land area near the reservation's western boundary is mainly a rolling prairie primarily used for grazing, while the eastern portion is mostly agricultural and forested land. Within the reservation boundaries are numerous lakes (Flathead, St. Mary's, McDonald), reservoirs, creeks and rivers (Flathead, Little Bitterroot and Jocko).

POPULATION*

Enrolled Tribal members for Flathead Reservation as of February 20, 1989 are:

CSKT Tribal members living on or near the Flathead Reservation	3,448
CSKT Tribal members living off the Flathead Reservation	3,033
Total number of enrolled Tribal members	6,481

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*Statistical information obtained from the Confederated Salish and Kootenai Enrollment Office, February 20, 1989.

LAND STATUS*

Total acres within the reservation's boundary	1,242,969 acres
Individually allotted lands	42,840 acres
Tribally owned lands	*609,365 acres
Fee title or State lands	569,644 acres
Government lands	21,120 acres

In 1973, over 50 percent of the land was owned by non-Indians. Much of the Tribal land is invaluable commercial timber stands. There are over 69,000 acres of surface water within the reservation's boundaries.

HISTORICAL BACKGROUND

Before the amalgamation of the three tribes, the Salish people were living to the south in the Bitterroot Valley while the Pend d'Oreille and Kootenai inhabited the upper Flathead Valley. The two tribes in the upper Flathead Valley were unrelated linguistically while the Pend d'Oreille and the Salish are thought to have migrated earlier from western parts of the continent and were related linguistically to the Pacific Coast Tribes. Collectively, the Salish Indians and the Pend d'Oreille are known today as Flathead and their time of arrival in western Montana is estimated to be around 1700.

The Flathead Reservation, home of the Confederated Salish and Kootenai Tribes, was established with the signing of the Hell Gate Treaty of July 16, 1855. The treaty designated the present reservation and a portion of the Bitterroot Valley as the reserve for three Tribes - the Flathead, the Upper Pend d'Oreille, and the Kootenai. The official name of the consolidated tribes, so organized in 1935, is the confederated Salish and Kootenai Tribes.

In 1871, the federal government issued a directive to the Flathead leaders to move out of the Bitterroot Valley to the Jocko Reservation. Chiefs Arlee and Adolph agreed to the move, but Chief Charlot would not go until 20 years later. In 1891, Chief Charlot moved with his followers to the Flathead Reservation.

The passage of the General Allotment Act, also known as the Dawes Act, in 1887 accorded each tribal member 40, 80 or 160 acres. Lands that the federal government designated as "surplus lands" on the Flathead Reservation were opened for settlement to non-Indians in 1910.

ORGANIZATIONAL STRUCTURE

The Flathead Indians chose to organize under the Indian Reorganization Act of 1934. The Tribes' constitution and by-laws were approved by the Secretary of the Interior on October 28, 1935. The cooperate charter was ratified April 25, 1936. The governing body of the Confederated Salish and Kootenai Tribes is a Tribal Council of ten members, who nominate themselves on a district basis, but are elected on a reservation-wide basis by eligible voters who are 18 years and older. Council members are elected for four-year terms by secret ballot. Half of the council seats come up for election every two years. A tribal member wishing to nominate himself must be at least 21 years of age and must have resided in the district of his candidacy for a period of one year preceding the election. The council elects the chairman and other officers from within its membership.

To be eligible for tribal enrollment requires at least one-quarter degree Salish or Kootenai blood and birth to a tribal member. The present enrollment standards were adopted as recently as 1960. Today nearly one-third of the tribal members are under one-quarter degree of Indian blood. The number of full-blooded Indians has decreased dramatically down through the generations to the present 3 percent.

HOUSING

There are an estimated 1,734 Indian homes on the Flathead Reservation and 573 of these homes were newly constructed for CS and KT tribal members from fiscal year 1963 through fiscal year 1977. The Confederated Salish and Kootenai Tribes have appointed a Housing Authority Board which directs the programs of the Department of Housing and Urban Development. To improve housing for low income tribal members, HUD co-sponsors a Low Rent Housing Program as well as a Mutual-Help Home Ownership Program. The Housing Improvement Program helps standardize substandard houses for low income Indian families.

MEDICAL FACILITIES

Tribal members requiring pharmacy and dental care usually receive such services at the Community Health Clinic which the Indian Health Service maintains on the Reservation at St. Ignatius. All other major medical services are provided through contractual arrangements with physicians and hospitals located in various communities on and near the reservation.

The Chemical and Substance Abuse Center is located in Ronan, Montana. Other health related programs and services include Community Health Representatives, immunization program, mental health program, health education, diabetic program, eye glass program, school health, speech pathology, hearing program, and the program for Women, Infants and Children.

EDUCATION

During the 1988-89 school year, approximately 400 Flathead Indian children were attending preschool and elementary public schools. The St. Ignatius, Ronan, Arlee, Dixon, and Polson public schools offer special Indian education programs to reservation children. Total Indian enrollment in secondary schools for the 1976-77 school year was approximately 307. Approximately 80 students were full-time students in institutions of higher education, the majority of which attend the Salish Kootenai Community College in Pablo. The tribes now operate a tribal contract school at Pablo.

EMPLOYMENT AND INCOME

The overall economic development plan, formulated by a tribal committee, is the policy instrument which directs economic development on the reservation. Employment on the reservation for the Flathead Indians has consistently been a major problem. However, various sources of income combine to make the Flathead Tribe the most prosperous of any Indian tribe in Montana.

Montana Power Company pays the Confederated Salish and Kootenai tribes $9.4 million annually to lease land on which the Kerr Dam sets near Polson. Potentials for development of additional hydro-electric power sites and residential recreation areas promise additional income in the future.

Today the Flathead tribe is the largest employer on the reservation. At least 600 persons work at the Tribes' administrative offices, the Kicking Horse Job Corps Center, Flathead Post and Pole, the Tribal Health Department, Salish and Kootenai Enterprises, Two Eagle River School, Chaikoosta Printing, and Mission Valley Power.

Some tribal members are self-employed in their own businesses such as restaurants, smoke-shops, logging, bar and cafe, service station, beauty shop, grocery store and trailer court, and road maintenance and building. Other tribal members are hired as seasonal and year-round employees of the BIA Agency Forestry Program.

Natural resources occur in abundance on the Flathead Reservation. They include the timber, land, water, minerals, and wildlife. The Confederated Salish and Kootenai Tribes have hired consultants and specialists to help them design strategy for development and management of their natural resources.

RECREATION

It has only been within the last few years that the recreation potential has been given the consideration equivalent to its importance. Flathead Lake along offers fantastic opportunities for boating, water skiing, sailing, fishing and swimming. The lake attracts thousands of visitors each year.

Today only tribal members can hunt big game on the reservation. Non-members can fish by purchasing tribal recreation permits, subject to change at the Tribal Council's discretion.

Points of interest on the Flathead Reservation include:

- Flathead Lake
- National Bison Range at Moise
- Two migratory waterfowl refuges at Ninepipe Reservoir and Pablo Reservoir.
- Historic St. Ignatius Mission established at St. Ignatius in 1854.
- Mission Mountain Range
- Original building of Fort Conah 1/4 mile off Highway 93

ANNUAL FESTIVITIES

The following celebrations are open to the public:

- Arlee Pow-Wow, July 1-5
- War Dance Championships—third weekend in November at St. Ignatius
- Buffalo Feast and Stickgame (Handgame) Championships—third weekend in May at St. Ignatius
- Standing Arrow Pow-Wow—Elmo, Montana, third week in July

POINTS OF INTEREST

Agnes Vanderburg Cultural Camp, Ravalli, MT 406-745-4572
The camp teaches language, crafts, customs and lore of Salish and Pend d'Oreille people. The classes are free and held summer months.

Flathead Indian Museum, St. Ignatius, MT 406-745-2951
Native American crafts and artifacts are featured.

Flathead Lake State Park, 406-752-5501
Flathead is the largest freshwater lake in the West. Points of interest on the lake include Wild Horse Island (Kwitkunk'mi in the Kootenai language) and six other scenic state units (five on the reservation): Finley Point, Elmo, Yellow Bay, Big Arm, Wayfarers and West Shore. Except for Wild Horse Island, all units offer camping, fishing, boating and swimming.

Four Winds Historic Village, St. Ignatius, MT 406-745-4336
The village highlights culture and artifacts of Native Americans.

The National Bison Range/Pablo National Wildlife Refuge, Moiese, MT 406-644-2211
Approximately 500 readily visible bison roam nearly 20,000 acres of natural grassland. Visitors are also likely to see elk, bighorn sheep, antelope and deer on self-guided auto tours, year-round.

Ninepipe National Wildlife Refuge and State Wildlife Management Area, Ronan, MT 406-644-2211
This area is one of Montana's designated Wildlife Viewing sites. It is an exceptional wetland complex, prime for birdwatching.

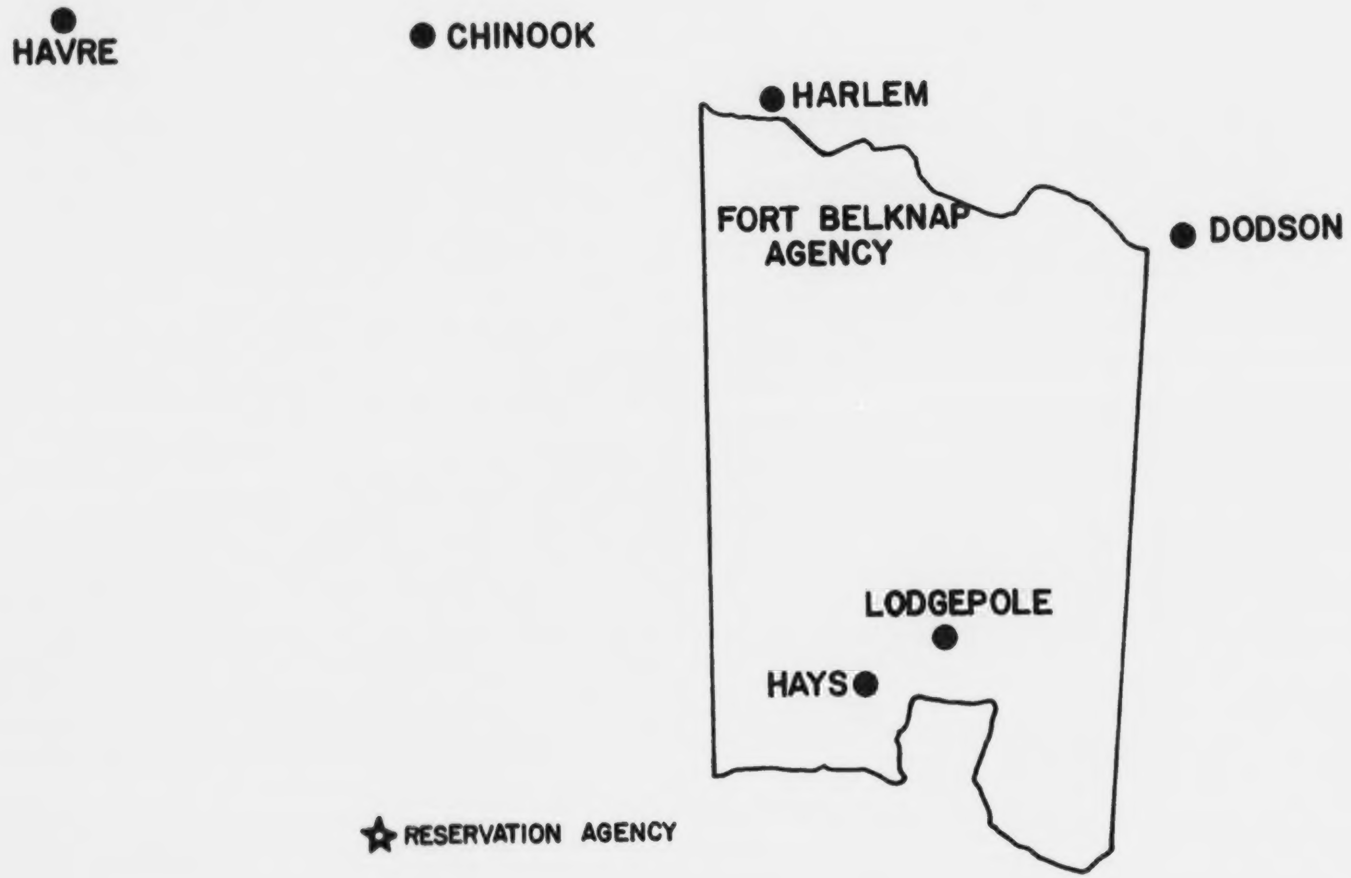
St. Ignatius Mission, St. Ignatius, MT 406-745-2768
Established in 1854, the mission was built by Native Americans under the direction of Catholic missionaries. There are 58 original murals by Brother Joseph Carignano on its walls and ceiling. The Mission Range of mountains provides a striking backdrop for the mission.

Salish-Kootenai Community College, Pablo, MT 406-675-4800
The college offers tours of campus by appointment.

Sqelix'u Aqtcmak nik Cultural Center, East of the Kicking Horse Job Corps Center, Salish Kootenai Nation Park, MT 406-675-0160
"The Peoples" center for preservation of Salish, Kootenai and Pend d'Oreille lifestyles is scheduled to open in 1995.

FORT BELKNAP RESERVATION

ASSINIBOINE - GROS VENTRE


HAVRE
CHINOOK
HARLEM
FORT BELKNAP AGENCY
DODSON
LODGEPOLE
HAYS
RESERVATION AGENCY

FORT BELKNAP RESERVATION

LOCATION

The Fort Belknap Indian Reservation is located in northcentral Montana, south of the Milk River, within Phillips and Blaine Counties. Nearly 92 percent of the reservation is found in Blaine County with the remainder located along the wester edge of Phillips County. The reservation's boundaries contain an area of approximately 675,336 acres. In addition, there are 29,731 acres of tribal land outside the reservation's boundaries. The north to south boundary extends 40 miles in length. The width is approximately 26 miles.

Most of the northern portion of the reservation consists of flat glacial plains and alluvial bottom lands. The southern portion of the reservation drains into the Missouri River and consists of rolling grasslands, river "breaks," and two principle mountain ranges, the Bearpaws and the Little Rocky Mountains. These mountains reach an elevation of approximately 6,000 feet.

POPULATION *

Indians living on or near the Fort Belknap Reservation	2,800
Indians living off the Fort Belknap Reservation	1,832
Total number of enrolled tribal members	4,632

There are also Indians from other tribes, mostly Chippewa and Cree, living on the reservation although they have no interests in tribal assets. Over the years, the reservation's resident Indian population has been decreasing. Some of the decline is due to the rural-urban shift, but a large proportion is a result of young people seeking off-reservation employment and educational pursuits.

LAND STATUS*

Total acres within the reservation's boundary	645,576 acres
Individually allotted lands	406,533 acres
Tribally owned lands	210,954 acres
Fee title or State lands	19,000 acres
Government lands	592 acres

Only some 9,000 acres are owned by non-tribal members.

HISTORICAL BACKGROUND

Today the descendants of two distinct tribes, the Assiniboine and Gros Ventre Indians, make their home on the Fort Belknap Indian Reservation. The Gros Ventre were living in present day Montana when the first whitemen entered the region. Both the Gros Ventre and the Assiniboine were originally plains tribes, but the Gros Ventre were of the Algonquian stock, closely related to the Arapaho, whereas the Assiniboine were once part of the Yantonai Sioux.

The name Gros Ventre, interpreted as "big belly," was given by early French traders to two separate tribes—Atsina (Gros Ventre of the Prairie) and the Hidatsi (Gros Ventre of the Missouri). It seemed necessary, when taking the 1930 census, to separate the two Gros Ventre groups on a geographical basis; those living in Montana were designated Atsina and those living in the Dakotas were called the Hidatsa.

The Assiniboine (from the Chippewa, meaning one who cooks by use of stone) tribe is a detachment from the Yanktonai Sioux tribe. They left their mother tribe shortly before 1640. This band of Assiniboine Indians followed the Cree northward from the headwaters of the Mississippi between Lake Superior and Hudson Bay. It is believed they settled first in the vicinity of the Lake of the Woods, then moved northwest to the region around Lake Winnipeg. They ranged in Canada and along the Milk River. Until 1838, they were estimated to be a large tribe from 1,000 to 1,200 lodges. Subsequently, small pox reduced them to less than 400 lodges.

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*Statistical information obtained from the Bureau of Indian Affairs, Billings Area Office, Data Processing Center, September 1988.

The Blackfeet Hunting Territory, which was set aside by the Fort Laramie Treaty of 1855, was shared by both the Gros Ventre and the Assiniboine Indians. This treaty granted hunting grounds, with defined boundaries, for the tribes of the Blackfeet, Blood, Crow and Piegan as well. The boundaries roughly extended from the Yellowstone River north to the U.S.-Canadian border and from the Rocky Mountains of western Montana to the junction of the Yellowstone and Missouri Rivers. This area was to be used in common by Indians receiving rations from Fort Browning, Milk River, and Fort Belknap for a period of 99 years. These lands were reduced in size in 1873. Eventually three separate reservations—the Blackfeet, the Fort Belknap, and the Fort Peck—were established by the Act of May 1, 1888.

One of the first trading posts was established near the present town of Dodson in 1868. A year later the new post, Fort Belknap, was established on the south side of the Milk River, about one mile southwest from the present townsite of Chinook. The Fort, named for William W. Belknap, who was the Secretary of War at that time, was a substantial fort combined with a trading post and it became the government agency for the Gros Ventre and Assiniboine Indians living in the area.

In the early 1880, the Fort Belknap Agency was moved from Chinook to its present site five miles east of Harlem on the northwest corner of the reservation. In 1921, the U.S. government allotted 539,065 acres to the 1,171 Indians who were then enrolled on the Fort Belknap Reservation. Thereafter, settlement of non-Indians took place much more rapidly and did so partly in response to the availability of land for cattle and sheep ranching.

In 1888, completion of the Great North Railroad helped the expansion of the livestock industry. Malta became a major shipping yard for cattle and sheep. It was about this same time that gold was discovered in the Little Rocky Mountains, bringing more people to Montana. Because of the variety of people attracted to the area by the gold discover, the towns of Landusky and Zortman became famous as the "two toughest towns in the territory."

The discovery of gold brought with it another problem for the Fort Belknap Indians. Mining claims appeared throughout the area of the Little Rocky Mountains apparently in disregard of the fact that it was Indian reservation land. After the U.S. government appointed a commission to negotiate with the Fort Belknap Indians for surrender of the Little Rockies, an agreement was signed in 1896 which ceded a portion of the Fort Belknap Reservation back to the United States.

In 1969, the Fort Belknap Community Council began proceedings to recover that portion of the Little Rocky Mountains ceded by the Act of June 10, 1896 and thus restore the reservation boundaries described in the Act of May 1, 1888.

ORGANIZATIONAL STRUCTURE

The Fort Belknap Indian Community was organized in 1935 under the Indian Reorganization Act and its constitution and by-laws were approved on December 13, of that year. A corporate charter was ratified August 25, 1937. In 1974, the Fort Belknap Community Council modified the constitution to elect a membership of 12 councilmen to the tribal council on a staggered basis every two years. The constitution states that the Fort Belknap Indian Community Council shall have six Gros Ventre and six Assiniboine members. Every two years, six new members (three Gros Ventre and three Assiniboine) are elected to serve on the Council with the six carryovers from the previous two years. The tribal council then chooses its own officers.

In 1959, the tribal enrollment requirements were changed to require that tribal membership be limited to persons of at least one-fourth degree Assiniboine or Gros Ventre blood and birth to a tribal member.

MEDICAL FACILITIES

The Fort Belknap Community Council created a Tribal Health Department in 1976 in response to P.L. 93-638. The Tribal Health Department is responsible for the administration of the following programs:

1. Chemical Dependency Treatment Program.
2. Community Health Representative Program
3. Family Planning Program
4. Health Education Program
5. Women, Infant and Child Nutrition Program

All of the programs presently under the Tribal Health Department control are contracted via P.L. 93-638. Thus, by gaining more experience and expertise the Fort Belknap Tribal Government is showing strong expression in self-sufficiency and determination by pursuing maximum participation in the contracting process and rendering those health services which are responsible to the need of the community.

The majority of health care is provided by the Indian Health Service. There is an 18 bed hospital located at Fort Belknap and a satellite health station located in Hays; a distance of approximately 35 miles. The Hays station consisting of 1,680 square feet cannot adequately serve 1,300 people. Consequently, the bulk of health care is provided by the 56-year-old hospital at Fort Belknap which is old and needs to be replaced. In all the building has approximately 20,000 square feet, but much of this space is utilized for office space, storage, and other non-medical purpose.

EDUCATION

Fort Belknap Indian children on the reservation attend elementary public schools at Harlem and Lodge Pole. There is a public elementary and high school and an elementary mission school at Hays, mainly attended by those students living near the reservation's southern border. Also, there is a public high school at Harlem (grades 9-12.) Some of the high school students elect to attend off-reservation federal boarding schools.

The Fort Belknap Community college offers a two-year degree in arts and sciences. The tribal archives are located on campus.

EMPLOYMENT AND INCOME

Today, as in the past, employment for the reservation's residents is scarce. This scarcity forces many people to move away from the reservation to take up temporary or permanent employment elsewhere.

The Bureau of Indian Affairs and the tribe itself are the major employers on the reservation. Some of the Indians are successful in obtaining jobs in the nearby communities of Harlem, Havre, Chinook, and Malta. Some of the Indian people are supporting themselves by farming and ranching and by jobs in agriculture, while others derive some income from those sources.
The Fort Belknap Indian Reservation has the highest rate of unemployment among the seven reservations in the state of Montana and is virtually undeveloped in every aspect. Fort Belknap is heavily dependent upon federally subsidized programs to alleviate this problem.

The annual income of the tribe is only $90,000. Unemployment fluctuates between a low of 40 percent to a high of 75 percent, depending upon the season of the year.

As of January 1, 1984, the unemployment level was over 70 percent (Employment Assistance Statistics, January 1, 1984, Fort Belknap Agency.)

RECREATION

Along the Little Rockies, the reservation offers some scenic locations. One of the best known sites is in Mission Canyon south of

Hays. Visitors will find Indian tribal campground sites throughout the reservation. Non-tribal members must purchase a permit for overnight or extended camping.

ANNUAL FESTIVITIES

During the 1920's, caravans of Indians from surrounding areas traveled to the Fort Belknap Indian Reservation to participate in the Indian Fair. Today a semblance of the fair and pow-wow is held every year in late July. The celebration, today called the "Fort Belknap Indian Days," features Indian dancing, singing, feasts and "give-aways."

During the first week of October, the Fort Belknap Tribe holds the "Chief Joseph Memorial Dance." In February of each year the "Winter Fair" offers boxing contests and Indian ceremonial dancing. The public is invited to attend these celebrations.

POINTS OF INTEREST

Fort Belknap Community College, Fort Belknap Agency, MT 406-353-2607
Two-year associate degrees in the Arts and Sciences are offered, along with one-year certificates. The Tribal Archives are located on campus, along with a student-built library.

Fort Belknap Tourism Office and Information Center, Harlem, MT 406-353-2205
The Information Center also houses Fort Belknap Ventures, which features handcrafted Native American arts and crafts. Staff provide tours of the Mission, Snake Butte, ancient tepee rings and the tribal buffalo pasture.

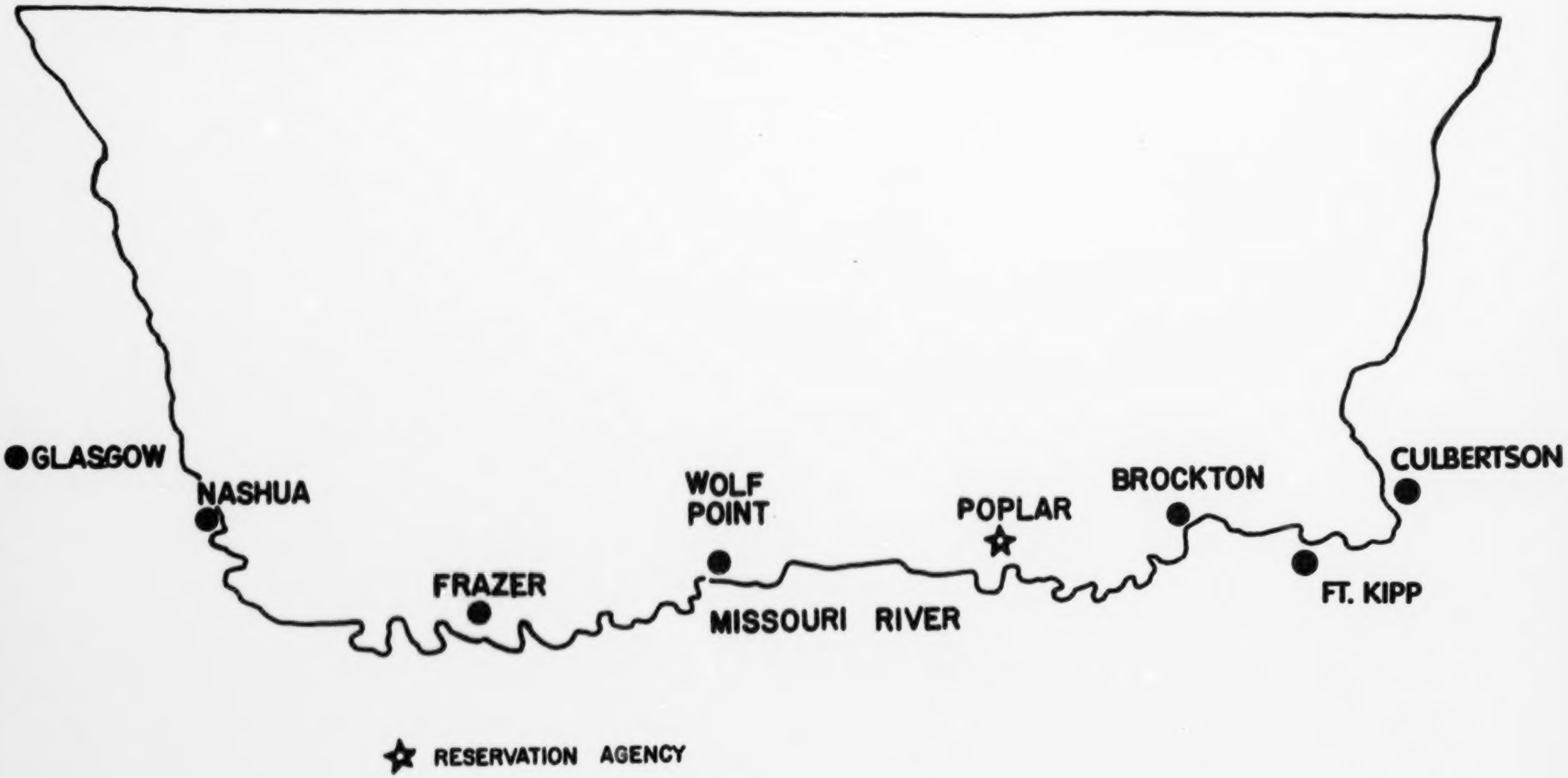
Mission Canyon/Natural Bridge, South of Hays
This scenic recreational canyon has picnic and camping areas. The Natural Bridge, Wilson Park, Devil's Kitchen, Needle Eye, and Kid Curry's Hideout are some of the most popular attractions.

Saint Paul's Mission Church, Hays, MT 406-353-2205
The mission was established in 1887 by the Bureau of Catholic Missions. Today, it serves as a kindergarten through eighth grade school.

For more information about the Fort Belknap Reservation, contact: Fort Belknap Tourism Office, R.R. 1, Box 66, Fort Belknap Agency, Harlem, MT 59526 406-353-2205.

FORT PECK RESERVATION

SIOUX - ASSINIBOINE


GLASGOW
NASHUA
WOLF POINT
POPLAR
BROCKTON
CULBERTSON
FRAZER
FT. KIPP
MISSOURI RIVER
✪ RESERVATION AGENCY

FORT PECK RESERVATION

The Fort Peck Indian Reservation covers approximately 2,093,125 acres in northeastern Montana. The reservation area is approximately 80 miles long and 40 miles wide and includes parts of Valley, Daniels, Sheridan and Roosevelt Counties. Elevation throughout the reservation varies from 1,900 to 3,100 feet. The land is primarily a rolling hill and plains setting with minor tributaries of the Missouri River cutting through it. The Missouri itself borders the reservation along the south.

Wolf Point, seat of Roosevelt County, is the largest town on the reservation. Including adjacent Indian residential areas on tribal lands, Wolf Point has a population of roughly 3,500. Poplar, which began as a military camp, has a total population of approximately 3,000. The Fort Peck Indian Agency, headquarters for the Assiniboine and Sioux Tribes, and the Public Health Service, are located in Poplar. These two communities provide most of the consumer goods and services for the resident population. Other towns on the reservation include Frazer, Oswego and Brockton.

The nearest Montana primary trade centers to the reservation are Billings and Great Falls, both approximately 330 miles distant. The towns of Wolf Point and Glasgow are the secondary trade centers of the area along with Williston, North Dakota, which lies not quite 75 miles to the east of Poplar.

POPULATION*

Indians living on or near Fort Peck Reservation	3,923
Indians living adjacent to Fort Peck Reservation	208
Indians living off the Fort Peck Reservation	4,647
Total number of enrolled Tribal members	8,778

There are about 500 members from other Indian tribes who live on the Fort Peck Reservation. They represent many different tribes, but the largest group is Chippewa from the Turtle Mountain Reservation in North Dakota.

LAND STATUS*

Total acres within the reservation's boundary	2,093,124 acres
Individually allotted lands	510,092.68 acres
Tribally owned lands	395,702.98 acres
Fee title or state lands	1,173,915 acres

Lands on the Fort Peck Reservation were allotted to individuals under a series of acts passed during the years 1908-1928. After 1922, lands not selected by Indians were opened to white settlers and homestead fees went into tribal funds. Much of the better crop land of the area passed from Indian ownership prior to 1930. During the drought years of the 1930's, many of the farms failed and submarginal farm lands were repurchased by the government. This land was returned to the tribes in 1975 by a Congressional Act. In 1973, over 54 percent of the Fort Peck Reservation was owned by non-Indians.

HISTORICAL BACKGROUND

The Fort Peck Reservation is the home of the Assiniboine Indians and the Yanktonai Sioux. The reservation takes its name from a trading post once located west of the reservation and now covered by the waters of the Fort Peck Reservoir. By the Act of May 1888, the present reservation site was established for the Assiniboine and the several Sioux bands who were then receiving rations at the Poplar Agency.

The Assiniboines have lived and hunted in the area north of the Missouri River for longer than anyone really knows. They are believed to have split off from the Yanktonai Sioux band sometime before 1600. After the split, they evidently moved north, because in 1640, they were reported by Jesuit priests to be living around the Lake of the Woods and Lake Nipigon area in Canada.

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*Bureau of Indian Affairs, Fort Peck Agency.

At that time, their migration took them as far north as Lake Winnipeg and as far west as the Saskatchewan River. Later in the century, after the Hudson Bay Company established trading posts, the Assiniboine traded around the Hudson Bay and shifted their hunting grounds further to the northwest. It wasn't until the early 1800's that they moved into the Fort Peck area in large numbers.

The Assiniboine people speak a Siouan dialect and still refer to themselves as Nakota, although they are no longer part of the Dakota tribe. They are commonly called "hohe" (rebels) by the Sioux which refers to the fact that they joined the Plains Chippewa and Cree in their wars against the Sioux. Their name in English is derived from the Algonquian "Ass-ni-pwan," meaning "Stone Sioux." This term supposedly refers to the fact that the Assiniboine used to cook with stones in the old stone boiling method.

Geographically, the Fort Peck Reservation is within part of the ancient hunting territory of the Assiniboine. The presence of that tribe there today is another indication of the political subdivision of the Assiniboines. By that territorial hunting right, some of the Assiniboine resent the presence of the Sioux. Until 1888, all land lying north of the Missouri River was Indian Territory. The Milk River Agency was established in 1868 and was designed to accommodate the Assiniboines. They were then moved to Fort Peck in 1871.

The Assiniboine, after they split into the upper and lower groups were too small in numbers to have a reservation of their own. Thus, they left themselves open to whatever the government wanted of them. Since there were Sioux in the Montana territory, the lower branch of the Assiniboine under Redstone sought the Sioux out for protection.

The upper branch of the Assiniboine, after the small pox epidemic, chose to live with or among the Gros Ventre. Thus, the upper Assiniboine Indians are located at Fort Belknap Reservation and the lower Assiniboine and the Sioux at Fort Peck Reservation.

The Sioux at Fort Peck represents all of the three great divisions of the Dakota people. The largest band represented at Fort Peck are the Yanktonai of the Middle Division. Although many Yanktonai are inclined to refer to themselves as Yankton and the Fort Peck group are officially designated as such by the federal government, they are really Yanktonai according to anthropologists and were so identified in the early agency records.

The Teton or Western Division are represented by a few of the Hankpapa sub-band. The Santee or Eastern Division are represented by members of the Sisseton and Wahpeton bands and a few from the Wahpekute band.

The United States Government officially calls the tribe Sioux, although the people in their own language refer to themselves as Dakota (with dialectic variations). The word Sioux is derived from a French corruption of a Chippewa word meaning "snakes" or "adders." This was a derogatory term used by the Chippewa to describe their old enemies.

When whitemen first contacted the Dakota in about 1640, they were woodland Indians living in the area just west of the Great Lakes. Partly because of pressure from the Chippewa who had been armed by the French and partly because of other pressures, the Dakota began to move west. By the 1750's the western groups had begun to cross the Missouri River. Until 1812 the eastern Dakota were allies of the British.

In the winter of 1868-69, the sub-agency was built at Fort Browning, near the present-day town of Dodson. This was the first agency in the area to furnish rations to Indians, and it served the Assiniboine, the Sioux, the Crow, and the Gros Ventre. Later 1871, an agency was established at old Fort Peck to provide rations just to the Lower Assiniboines and several bands of Sioux. Fort Peck continued to be the agency for the Assiniboine and Sioux until 1877, when it moved to its present location of Poplar.

In 1874, the Congress confirmed an 1873 Executive Order by President Grant, which created a joint reservation of 20,000,000 acres of land north of the Missouri River. The Assiniboine, the Sioux, the Blackfeet, and the Gros Ventre Indians all shared this territory jointly until 1887. As the railroad lines moved toward Montana; more pressure was felt for land. The four Indian tribes ceded all lands except their three present reservation sites. The reservation boundaries of the present day Blackfeet Reservation, Fort Belknap Reservation and Fort Peck Reservation were established by Congress in 1888.

ORGANIZATIONAL STRUCTURE

The Sioux and the Assiniboine rejected the Indian Reorganization Act of 1934, preferring the rule of a general council. The Tribes continued to operate under a constitution which they adopted in 1927 and later amended in 1952. The new constitution and bylaws, under which the tribes now operate, were adopted on October 1, 1960. This constitution provides for a representative type of government.

The governing body is the Tribal Executive Board. It is composed of 12 voting members plus a chairman, vice-chairman, and sergeant-at-arms. All board members are elected at large. A secretary-accountant is appointed by the Board. Elections are held every two years.

To be eligible for enrollment in the Fort Peck Tribes, certain qualifications, which were established by Tribal ordinance in 1960, must be met. Those born before 1960 must be on the basic roll or be a descendant of a person on the basic roll, or must have been adopted by the General Council prior to 1960 with the approval of the Secretary of the Interior. After 1960, a one-fourth or more Fort Peck Assiniboine and/or Sioux blood quantum requirement must be met to be considered eligible for tribal enrollment.

HOUSING

Since 1962, the housing conditions of the Fort Peck Indians have steadily improved through tribally-supported and tribally-sponsored programs. Extensive housing programs, both low-rent and mutual help, have been undertaken by the Fort Peck Housing Authority. The Bureau of Indian Affairs Home Improvement Program has helped to bring Indian homes up to standard. A reservation-wide sanitation program, under the direction of the Public Health Service, has improved sewer and water facilities for Indian homes. In conjunction with these projects, the Bureau of Indian Affairs has built new streets and access roads, as well as improved some of the existing roads on the reservation system.

The Fort Peck Reservation had approximately 1,311 housing units of which 926 were built with Department of Housing and Urban Development funds and could be considered as standard housing. Of the 926 units, 421 are low rent units and 505 are home ownership units. The remaining 385 units are substandard homes which are individually owned.

The Fort Peck Housing Authority presently has 24 low rent and 74 home ownership units under construction for a total of 98 units. Fifty low rent and 45 home ownership units were allocated to the Fort Peck Housing Authority for a total of 85 units. Upon completion of all these units, the total number of houses will be 1,504. However, there are still over 300 homes that are substandard and need to be brought to a standard condition.

MEDICAL FACILITIES

The Fort Peck Reservation has Indian Health Services and Health Clinics located in Poplar and Wolf Point, Montana. The estimated Native American service population is 6,500. The clinics offer health services, consisting of outpatient, medical records, dental laboratory, x-ray, optometry, pharmacy, mental health, field health and administration.

The Fort Peck Tribes provide contracts through P.L. 93-638 the following health related services:

1. Alcoholism Treatment
2. Community Health Representatives
3. Nutrition
4. Sanitation
5. Health Education
6. Housekeeping
7. Environmental Health
8. Tribal Health Administration

The Fort Peck Tribes fund and administer a tribal dialysis program.

Inpatient services are provided at the Community Hospital in Poplar, the Trinity Hospital in Wolf Point, and other hospitals located in Montana and North Dakota. Currently under construction is a new health clinic to be located in Wolf Point. The facility will replace the current health clinic in Wolf Point and will provide for additional square footage, staffing and services.

EDUCATION

There are four public school systems that serve the Fort Peck Reservation: K-12 with an attendance of approximately 1,200 students located at Brockton, Culbertson, Poplar, Wolf Point and Frazer. Four Head Start Programs, all federally funded, with an estimated attendance of 200-250 students, serve the reservation with locations at Fort Kipp, Poplar, Wolf Point and Frazer. Presently, 105 students from the reservation are attending colleges and universities through the Bureau of Indian Affairs' Higher Education Program of which 70 percent are within the state of Montana

The Fort Peck Tribes have for some time taken advantage of federal programs to aid depressed areas, including the whole range of education and training programs. Past efforts of the Assiniboine and Sioux tribes and the Bureau of Indian Affairs to work cooperatively with the local school systems are producing beneficial results. Recently, there has been a reduction in the high school dropout rate and an increase in the number of high school graduates seeking post-secondary training and education.

There are two colleges located on the Reservation. Fort Peck Community College, a two-year program, and NAES (Native American Education Services) College, a four-year program accredited to award the Bachelor of Arts in Community Studies. NAES-Fort Peck, is a site of the main college in Chicago. The college's philosophy has always been to aid the adult Indian in attaining an education to use for the betterment of his people.

EMPLOYMENT AND INCOME

One serious problem the Indians face is the lack of employment opportunities on the reservation. In 1968, the Fort Peck Tribes were successful in creating a company called Fort Peck Tribal Industries. By 1970, they had brought two more companies to the reservation, but of the three industries formed or brought in by the tribes, only one survived after five years. Early major stumbling blocks to industrial development were the lack of industrial activities and an untested labor force. Today, the tribes have an industrial park, two modern industrial facilities, and a proven labor force.

In 1974, the tribes were able to set up two new companies. A & S Tribal Industries and Fort Peck Manufacturing Company in the Tribal Industrial Park at Poplar. By 1976, the two companies were employing a combined number of 180 people. A new railroad spur, which has been built to the Industrial Park from the main line of the Burlington Northern Railroad, will offer additional possibilities for industrial development and employment for Indian people.

The Fort Peck Reservation is basically rural and supports small family-sized units. Although the area is situated along primary rail an highway routes, it remains seriously isolated from major markets and is isolated even from such Montana trade centers as Great Falls and Billings.

Today the economy of the Fort Peck Reservation is based primarily on farming and ranching. A substantial secondary source is the extraction of oil.

511

512

The latest figures for the Fort Peck Reservation indicates a 57 percent unemployment rate.

ANNUAL FESTIVITIES

All-Indian Rodeo—Two-day rodeo held the first weekend in July at Poplar, Montana.

Annual Oil Discovery Celebration—The annual Oil Discovery Celebration held the last week in August at Poplar, Montana. This celebration is one of the largest Indian gatherings in the country.

Badlands Celebration—Held in Brockton the third weekend in June.

Fort Kipp Indian Celebration—Held during the first week in July, at Fort Kipp, Montana, in celebration of the 4th of July. Held annually by the predominantly Sioux communities of Brockton, Riverside and Fort Kipp. This pow-wow has grown in size and importance in recent years.

Iron Ring Celebration—Held during the third week in July in Poplar, Montana, to honor the last Sioux Chief at Fort Peck, Santee Iron Ring.

Red Bottom Celebration—Held during the second week in August in Frazer, Montana. This celebration is held annually by the Assiniboine Indians from the western part of the reservation.

Wadopana Celebration—This is a great little celebration and takes its name from the Canoe Paddlers band of Assiniboine. It is held the first weekend in August at Wolf Point. It's a time for spectators and contestants to watch or dance and have a good time.

Wolf Point Omaha (Indian) Celebration—Held during the last weekend in July in Wolf Point, Montana.

Wolf Point Stampede—Held during the second weekend in July in Wolf Point, Montana. The Stampede has been held annually for over 50 years. It attracts spectators and contestants from all over the United States and Canada.

POINTS OF INTEREST

Fort Peck Assiniboine and Sioux Culture Center and Museum, Poplar, MT 406-768-5155
The Culture Center and Museum features permanent exhibits of Assiniboine and Sioux heritage, arts and crafts.

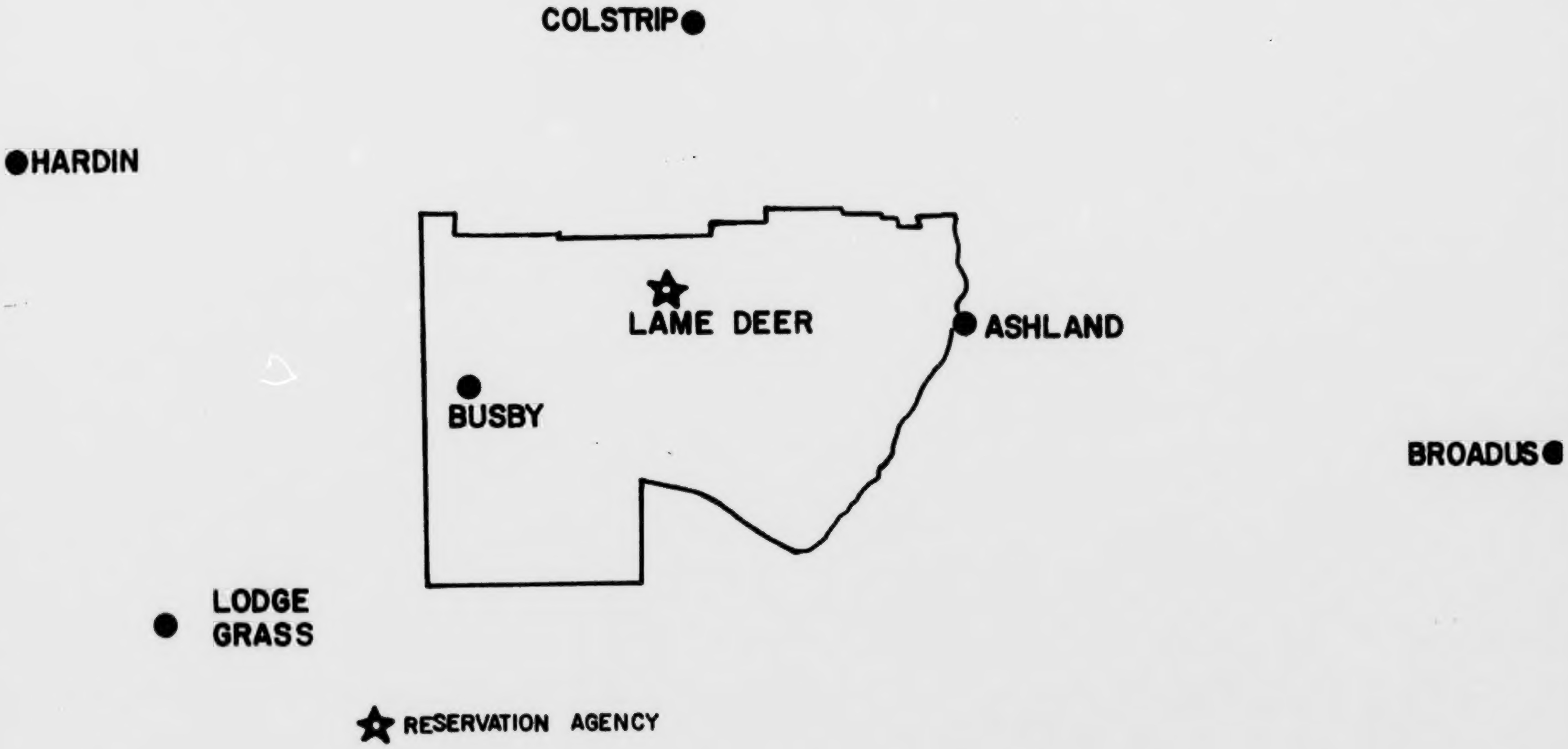
Fort Peck Community College, Poplar, MT 406-768-5551
The college offers associate's degrees in the Arts and Sciences, along with one-year certificates. There is a tribal law library on campus, and a cultural center is planned.

Assiniboine Village, Wolf Point, MT 406-653-1009
This is a traditional Assiniboine village where visitors can witness cultural practices of the tribe.

For more information about the Fort Peck Reservation, contact: Fort Peck Assiniboine and Sioux Tribes, PO Box 1027, Poplar, MT 59255 406-768-5155.

NORTHERN CHEYENNE RESERVATION

NORTHERN CHEYENNE


COLSTRIP
HARDIN
LAME DEER
ASHLAND
BUSBY
BROADUS
LODGE GRASS
RESERVATION AGENCY

NORTHERN CHEYENNE RESERVATION

LOCATION

The Northern Cheyenne Reservation, situated in southeastern Montana, lies within the counties of Big Horn and Rosebud. It is bordered on the west by the Crow Reservation. The reservation is a rugged area, partially mountainous, and primarily suited to livestock grazing. The reservation headquarters and the center of population is Lame Deer. The reservation itself is divided into five districts: Busby, Lame Deer, Ashland, Birney, and Muddy.

POPULATION*

Total number of enrolled Tribal members	5,621

The Northern Cheyenne reservation is not densely populated. There are some residents of other Indian Tribes living on the reservation. There is also a relatively small population of non-Indians living on the reservation.

LAND STATUS*

Total acres within the reservation's boundary	445,000 acres
Individually allotted lands	120,863 acres
Tribally owned lands	316,084 acres
Fee title or state lands	10,259 acres

Only about two percent of the land on the Northern Cheyenne Reservation is owned by non-Indians. The Tribal Council has selected a Land Acquisitions Committee whose primary policy is directed to the purchase of land into Tribal ownership. The Committee thus assures that Indian land is retained in Indian ownership.

HISTORICAL BACKGROUND

The Cheyenne Indians, of whom the Northern Cheyenne were a part, were the western-most group of the Algonquian language stock. Originally, they lived in the woodlands area about the Great Lakes migrating westward around the end of the 1600s. They settled in the northwestern corner of what is now Minnesota, where the Red River forms a border between Minnesota and the Dakotas. Later in the 1700s they settled among the Tribes of the upper Missouri River.

During the last decades before the Cheyennes had horses, they were a culture of farmers. As they moved west in the 1700s, they obtained horses and encountered buffalo. These two occurrences changed the Cheyennes from an agricultural people to a typical plains Tribe. They were reported by the French as early as 1680. By 1804, when Lewis and Clark encountered them, they were living on the plains near the Black Hills of South Dakota.

The Cheyenne participated in the treaty-making in 1825 near what is now Fort Pierre, South Dakota. A few years later, the larger part of the Tribe (now the southern Cheyenne) moved southward and made their headquarters on the Arkansas River. The remainder continued to inhabit the plains near the headwaters of the North Platte and Yellowstone Rivers in norther Wyoming and southeastern Montana. The division of the Tribe was recognized by the Fort Laramie Treaty of 1851.

In the Sitting Bull War of 1876, the Northern Cheyenne joined the Sioux and as a consequence of their part in the Battle of the Little Big Horn, they were exiled to Indian territory in Oklahoma to be colonized with the Southern Cheyenne. A small band escaped in a desperate effort led by Chief Dull Knife (Morning Star) and Chief

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*Statistical information obtained from the Bureau of Indian Affairs, Billings Area Office, Data Processing Center, September 1985.

Little Wolf. These two chiefs, in one of the most heroic episodes of western history, bravely fought against overwhelming odds in leading the small band of men, women, and children back to their homelands. Chief Little Wolf and Chief Dull Knife are buried side by side in the Lame Deer Cemetery. The Northern Cheyenne call themselves "the Morning Star People." The name is taken and used in respect of Chief Dull Knife who was also known as Morning Star.

By Executive Order of November 26, 1884, a tract of country east of the Crow Reservation was set apart as the reservation for the Northern Cheyenne. The reservation was expanded by another Executive Order in 1900 to its present boundaries.

ORGANIZATIONAL STRUCTURE

The Northern Cheyenne Tribe was organized in 1936 under the Indian Reorganization Act. Today the Tribe is a federally-chartered organization with both governmental and corporate responsibilities. The governing body is a Tribal council headed by a President, who is elected at large to serve a term of four years. Other members of the Council include 15 representatives who are elected from the five designated districts, each to serve a two-year term.

The Constitution and By-laws of the Northern Cheyenne Tribe were amended and approved by the Secretary of the Interior in July 1960. Membership in the Tribe is limited to those persons on the official census roll as of January 1, 1935, and to those people of one-half or more Northern Cheyenne Indian blood born to any member or descendant of a member of the Tribe.

HOUSING

The availability of housing on the Northern Cheyenne Reservation has improved greatly in recent years. This is partly due to the fact that the Northern Cheyenne people, like other Tribes in Montana, are participating in federal housing programs. To date, 454 mutual help homes and 192 low rent homes have been built. A grant in the amount of $4.3 million has also been awarded to the Northern Cheyenne Housing Authority for renovation of 412 mutual help homes.

The Northern Cheyenne Tribe also obtained funding for a Senior Citizens Complex in 1978, which now houses some of the reservation's elderly in its apartments.

MEDICAL FACILITIES

An Indian Health Service (IHS) Clinic is located in Lame Deer, Montana. The clinic provides medical doctors, dentists, nurses, sanitation personnel, nutritionists, etc., in the clinic setting. The nearest IHS Hospital is Crow Agency, 45 miles west of Lame Deer, Montana. Other medical facilities are available in Colstrip, Hardin, and Forsyth, Montana. The nearest large specialized facility is Billings, Montana, which is about 110 miles from Lame Deer, Montana.

EDUCATION

Elementary students are served by six schools: Labre Indian School, Ashland Public School, both in Ashland; Lame Deer Public School, Lame Deer; Busby School, Busby; Hardin Public School, Hardin, and Colstrip Public School, Colstrip, Montana. Colstrip High School is located 23 miles north of Lame Deer, Labre High School is located 23 miles east of Lame Deer and Hardin High School is located 55 miles west of Lame Deer. Students ride the buses daily. With the exception of Colstrip, none of the schools has an exclusively Indian enrollment. Each school has a student body which is predominately Indian.

Dull Knife Memorial College was originally chartered in September 1975 by Tribal Ordinance as the Northern Cheyenne Indian Action Program Incorporated. Funding was granted by the Indian Technical Assistance Center of the Bureau of Indian Affairs. The College provides a library, counseling, dormitories, food services, health services, placement services and an adult basic education (GED) program for its students.

EMPLOYMENT AND INCOME

Major employers on the Reservation include the Labre Indian School, the federal government, Tribal government, Montana Power Company, Bechtel Power Company, Western Energy Company, Morning Star Construction Company and Marin Financial Corporation.

The Branch of Forestry of the Bureau of Indian Affairs hires many local people during the summer forest fire season.

Though there are some job available, the unemployment rate on the reservation is 53 percent.

Tribal income or operating funds for the Northern Cheyenne Tribal government are derived for the most part from grazing fees, farm and pasture leases, timber and stumpage fees. The funds are administered by the Tribal Council and provide funds for charity, land acquisition, Tribal Administration, burial insurance, law enforcement services, alcoholism programs, ambulance service, and other community service programs.

Underlying the Northern Cheyenne Reservation is a very large high grade low sulphur coal deposit. Under a unanimous decision rendered by the U.S. Supreme Court on May 19, 1976, the Northern Cheyenne Tribe now owns all minerals underlying the Northern Cheyenne tracts.

RECREATION

The Northern Cheyenne Reservation and its surrounding area offer a variety of activities for persons enjoying active outdoor recreation. Fishing and camping are popular sports on the reservation. Non-Indians can purchase permits which allow fishing in all ponds and streams.

Points of interest on the Northern Cheyenne Reservation include:

- Head Chief Battlefield
- Custer's Last Camp
- Two Moons Monument at Busby
- Northern Cheyenne Tourist Center
- Buffalo herd on exhibit (17 head)

ANNUAL FESTIVITIES

An All-Indian Rodeo is held each year on Memorial Day. Activities include a parade and Indian dancing.

At the Annual Fourth of July Pow-Wow, articles of jewelry, clothing, Indian food, etc., can be purchased. On the second weekend in August, the White River Cheyenne Pow-Wow is held in Busby. The public is welcome.

POINTS OF INTEREST

Chief Two Moons Monument, Busby, MT 406-477-6253
This historic monument was built in 1936 in memory of Chief Two Moons, who participated in the Battle of the Little Bighorn.

Dull Knife Memorial College, Lame Deer, MT 406-477-6215
Associate's degrees in the Arts and Sciences are offered, along with vocational programs. The John Woodenlegs Memorial Library is a part of the college.

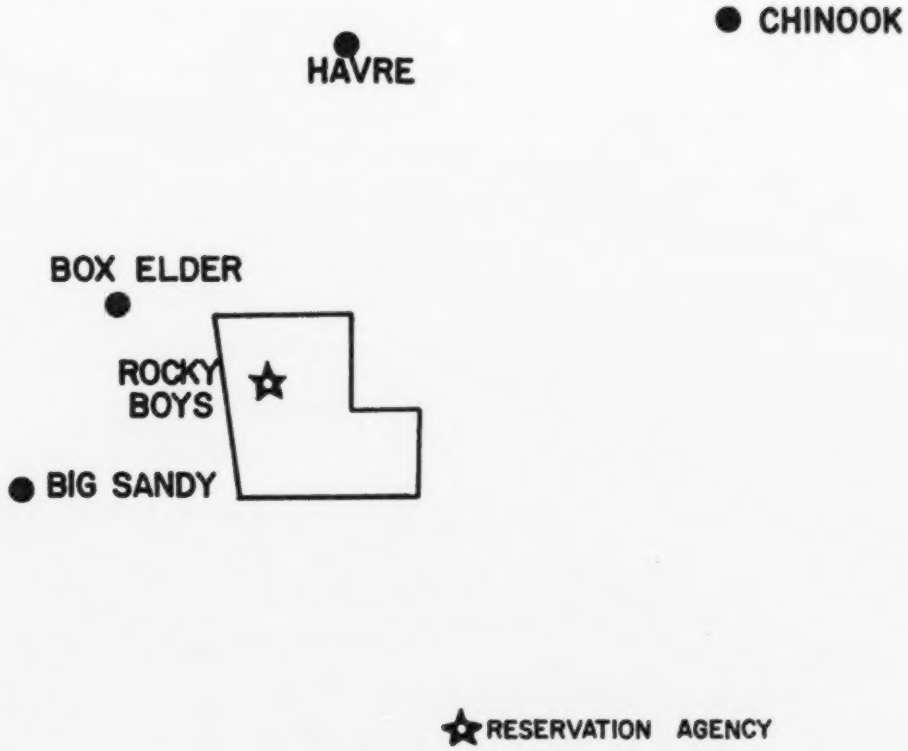
Northern Cheyenne Tribal Museum, Lame Deer, MT 406-477-6284
The museum presents the history and a look at the culture of Cheyenne Indians. The Craft Center offers beadwork and other crafts.

St. Labre Indian School, Ashland, MT 406-784-2200
This school was established in 1884 by the Franciscan Order. The visitors center, museum and gallery are important showplaces of Cheyenne heritage and art.

For more information about the Northern Cheyenne Reservation, contact: Northern Cheyenne Chamber of Commerce, PO Box 328, Lame Deer, MT 59043 406-477-6253.

ROCKY BOY'S RESERVATION

CHIPPEWA - CREE


CHINOOK
HAVRE
BOX ELDER
ROCKY BOYS
BIG SANDY
RESERVATION AGENCY

ROCKY BOY'S RESERVATION

LOCATION

The Rocky Boy's Reservation is located in northcentral Montana south of the Canadian border. The major portion of the reservation lies within Hill County and the smaller portion within Choteau County.

The Bearpaw Mountains, ranging across the upper half of the reservation, create a varied topography over this portion of the land and account for the scenic nature of the area. Altitude varies from 6,000 or more feet in these mountains to approximately 2,000 feet at lower levels. Mountain peaks and deep canyons contrast sharply with the nearly level bottom lands.

Many of the reservation's residents live in the district of the Rocky Boy Agency. Other communities on the reservation where Indian populations are concentrated include: Box Elder, Duck Creek, Haystack, Parker and Sangrey.

The important secondary trade centers in the reservation area include Havre, about 30 miles north, and Big Sandy, approximately 25 miles southwest of the reservation. Box Elder, 14 miles west of the reservation is the nearest community providing some public services. Great Falls, the second largest city in Montana, is located approximately 85 miles southwest of the reservation and serves as the primary wholesale-retail trade center to this area.

POPULATION*

Indians living on or near the Rocky Boy's Reservation	2,484
Indians living off the Rocky Boy's Reservation	1,386
Total number of enrolled Tribal members	3,870

The total tribal membership has grown through the years. There are also some Indians belonging to other tribes living on the Rocky Boy's Reservation. Almost 64 percent of the on-reservation population is under 24 years of age. The total number of males and females is nearly evenly divided.

LAND STATUS*

Total acres within the reservation's boundary	108,015 acres
Tribally owned lands	107,613

The entire reservation is no larger than some one-family cattle ranches in Montana. All of the reservation land is tribally owned and controlled for pasture crop farming and leasing. Enrolled tribal members may obtain free-use assignments of up to 160 acres. About half of the reservation is in 160-acre assignments.

HISTORICAL BACKGROUND

The Rocky Boy's Reservation differs in several respects from the other reservations in Montana. It is the smallest reservation and the home of the smallest group of Indians. Unlike the other reservations, Rocky Boy's was not established by treaty, but rather by Congressional action in 1916. It was the last Indian reservation to be established in Montana.

The reservation's unusual name comes from the leader of a band of Chippewa Indians. Translated from the Chippewa language, it means Stone Child, but the original translation was lost and Rocky Boy evolved.

The history of the settling of the Rocky Boy's Reservation was in its infancy long after the other Indian reservations in Montana were established. Rocky Boy's people were among a number of Chippewa Indians who originated in the Great Lakes region. For reasons not known, these people severed their ties with their original tribes and migrated to the northern plans region. Little Bear was the chief of one of the bands of Canadian Cree.

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*Statistical information obtained from the Bureau of Indian Affairs, Billings Area Office, Data Processing Center, September, 1988.

For many years, the small bands of Chippewa and Cree Indians moved between Montana cities such as Butte, Helena, Great Falls, Havre, Choteau and Chinook, and often into and out of Canada. Montanans tended to regard them as Canadian Indians, and in 1896, Congress appropriated $5,000 to finance the deportation of these so-called Canadian Indians from Montana back into Canada. Some of the Indians were deported, but they quickly returned.

Because his name carried a stigma in connection with the Riel Rebellion in Canada in 1885, Little Bear was unsuccessful in his attempts to get a reservation set aside for his followers, and he was forced to join Rocky Boy's band. In 1904, a bill was introduced into Congress to provide a home for the Indians on the Flathead Reservation. The bill was not passed. In 1909, the Rocky Boy band was located near Helena, and a bill was introduced to set aside land for them in northeastern Montana. They never occupied this land and in 1910 the 1,400,000 acres in Valley County were opened for homesteading.

Both Little Bear and Rocky Boy were weary of the hand-to-mouth existence of their people. With the help of some prominent whitemen of the time, including William Bole, publisher of the Great Falls Tribune, Charlie Russell, and Frank Linderman, the Rocky Boy's Reservation was created. On September 7, 1916, the 64th Congress designated a tract of land, once part of the abandoned Fort Assiniboine Military Reserve, as a home for the Chippewa and Cree Indians. Located south of Havre, this refuge consisted of approximately 55,000 acres. Only about 450 of the Indians, perhaps half of those eligible, chose to settle on the reservation. In later years, more land was added to the original acreage until the reservation reached its present size.

ORGANIZATIONAL STRUCTURE

In 1935, the tribal members elected to organize under the provisions of the Indian Reorganization Act. They formed the Chippewa Cree Tribe of the Rocky Boy's Reservation. Following the approval of their constitution in 1935, their charter was ratified the following year.

The governing body of the tribe is the Chippewa Cree Business Committee. The Committee is made up of eight representatives and a chairman, all of whom are elected at-large by the reservation membership. The Chairman as well as four tribal representatives are elected to four-year terms while the four others serve a two-year term. This rotational type of election allows for continuous tribal government service to the tribal members.

Since the creation of Rocky Boy's Reservation, intermarriage has amalgamated the two tribes until today they can be listed on the membership rolls only as Chippewa Crees.

HOUSING

During recent years, through efforts of federal programs and the cooperation of the Chippewa Cree Tribe, there has been an overall improvement in the availability and quality of housing on the Rocky Boy's Reservation. Both the Department of Housing and Urban Development, and the Bureau of Indian Affairs have contributed to this improvement.

There are 450 housing units on the reservation. The units are found scattered in various communities throughout the reservation, with a majority of the units found in small groups of ten or more homes in a community.

Housing is a critical problem for Rocky Boy's Reservation and many of the homes are built through government programs.

MEDICAL FACILITIES

Like members of other Indian tribes, the Rocky Boy's inhabitants receive health care from the Indian Health Service.

The Indian Health Service, funded through U.S. Public Health Service, maintains an outpatient clinic at the Agency. Services provided include: outpatient medical care, dental care, laboratory and x-ray services, sanitation environmental consultation and services, psychiatric social worker consultation, sanitation facilities construction, and health education services. In addition to the residents of Rocky Boy's, Indian people residing in the surrounding communities, such as Havre and Great Falls, also use the clinic.

EDUCATION

Schools on the reservation were formerly under the jurisdiction of the Bureau of Indian Affairs, but in 1960, they were made a part of the public school system. Today, the Indian children may attend schools located on the reservation from kindergarten through the 12th grade. An all-Indian school board has assumed operational responsibility for the independent elementary school district established at Rocky Boy's Agency in 1970 and the Rocky Boy Public High School established in 1991. High school students from Rocky Boy also attend schools at Box Elder and Havre.

Until the late 1970's there was no secondary level instruction available to Indian children on the Rocky Boy's Reservation.

A two-year college, Stone Child offers associate's degrees in the arts and sciences. There are plans for a cultural center on campus.

EMPLOYMENT AND INCOME

There is a high unemployment rate on the Rocky Boy's Reservation which is somewhat offset by the few existing economic enterprises such as wheat farming and a post and pole operation. These enterprises employ some tribal members, but much of the work is seasonal.

Of the 2,484 residents on or near the reservation, there is a potential labor force of 1,093, including 558 men and 535 women. The unemployment rate is 74 percent.

Principle employers include the schools, Bureau of Indian Affairs, Indian Health Service and Tribal Government. A tribal owned farming and ranching enterprise (Dry Fork Farms) and Post and Pole Enterprise employ a few people.

RECREATION

In 1969, the tribal council approved the construction of a ski lift located southeast of the Rocky Boy's Agency. During winter months, Northern Montana College, which is located in Havre, holds ski classes and ski competitions at this recreational area. A new chair lift was constructed in 1978. The recreation building located next to the ski area is equipped with facilities necessary for operating a bar and cafeteria.

Campgrounds are located throughout the reservation area. Camping and fishing permits are available for purchase from the tribe.

ANNUAL FESTIVITIES

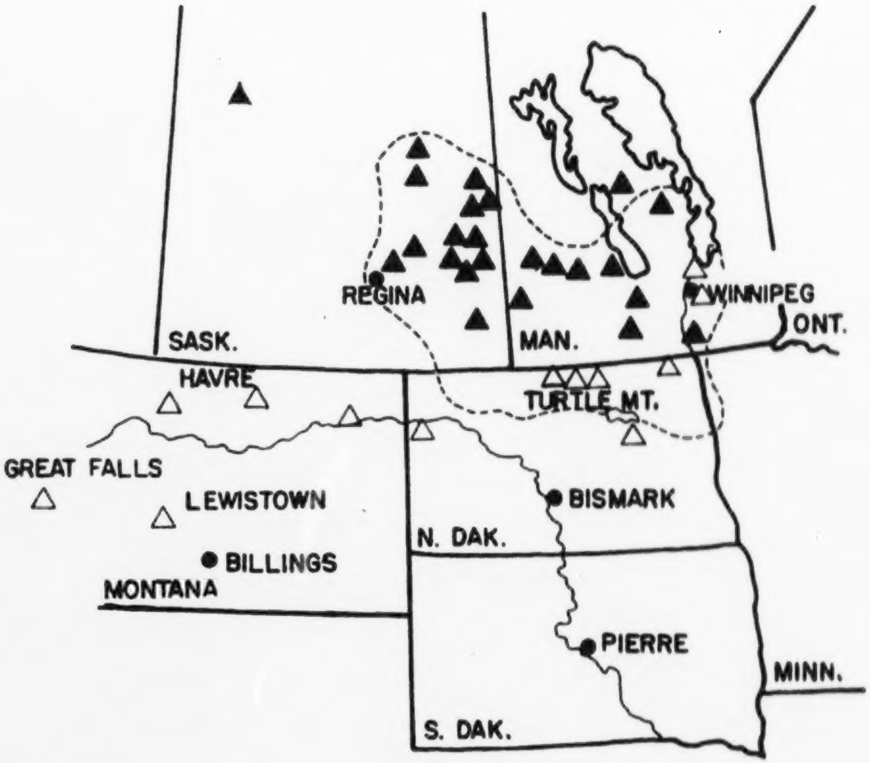
The Rocky Boy's Pow-Wow is held during the first weekend in August. Indians from surrounding areas join in this celebration.

POINTS OF INTEREST

Stone Child College, Rocky Boy's Agency, MT 406-395-4269
A two-year college, Stone Child offers associate's degrees in the arts and sciences. There are future plans for a cultural center on campus.

For more information about the Rocky Boy's Reservation, contact: The Chippewa-Cree Business Committee, Box 544, Rocky Boy Route, Box Elder, MT 59521 406-395-4282.

THE OJIBWA (CHIPPEWA) INDIANS


REGINA
WINNIPEG
ONT.
SASK.
MAN.
HAVRE
TURTLE MT.
GREAT FALLS
LEWISTOWN
BISMARK
N. DAK.
BILLINGS
MONTANA
PIERRE
MINN.
S. DAK.

The dotted line shows the territory ranged by the tribe during the later half of the 19th century. The solid triangles show present day full-blood reservation or reserve communities, while the white triangles show present day Metis (mixed blood) communities.

LITTLE SHELL BAND OF CHIPPEWA

LOCATION

The Little Shell Tribe of Chippewa Indians of Montana, currently without a reservation or land base, live in various parts of Montana. Some live on the various Indian reservations and have intermarried with members of other tribes. Others live in urban areas such as Great Falls, Helena, Lewistown and Butte.

POPULATION

There are 3,750 enrolled tribal members according to the tribal enrollment office.

LAND STATUS

Currently negotiating for a "Tribal Capital" land site of 200 acres near Great Falls.

HISTORICAL BACKGROUND

The history of the Little Shell Chippewa is that of two peoples melded into one group by circumstance. One group was the "full-blood" Pembina Chippewa. The other was the mixed-blood Chippewa called "Metis" (pronounced "may-TEE").

The Chippewas, or Ojibwa, are an Algonquian-speaking people from the northern Great Lakes area. They dispersed into two primary goups: The Woodland Chippewa were located in what are now Michigan, Wisconsin, Minnesota and Canada; The Plains Chippewa spread out onto the buffalo hunting grounds of North Dakota and Canada and adopted the Plains Indian nomadic lifestyle of riding horses and hunting buffalo. By 1800, the Plains Chippewa had established themselves in the areas of the Red, Assiniboine, and Souris rivers in North Dakota.

In 1670, a Royal Charter had granted the vast and unsettled region of the Canadian northwest to the Hudson's Bay Company. During the fur-trade era, French fur trappers and traders poured onto the Ojibwa territories. The Ojibwa and the French intermarried and communites of Metis "mixed-blood" were created.

This population of Metis swelled in the Red River settlements of what is now Manitoba, Canada, and northern North Dakota. By the early 1800s, the Red River Chippewa-Metis emerged as a distinct and independent people. Their language contained elements of Cree, Chippewa, and French. They lived in self-contained communities, farmed, hunted buffalo and trapped for furs.

In 1870, the world as they knew it changed. The land controlled by the Hudson's Bay Company, nearly wholly occupied by Metis and Indians, was annexed to Canada. Canadian territories were established, governors were appointed, and the influx of English-speaking settlers began.

The indigenous Indian population didn't welcome this intrusion and extension of Canadian settlement, and resented their land being made part of Canada. The Metis in the Red River area defied the Canadian government by launching a rebellion in 1870 and temporarily establishing their own nation, "Assinboia," under the leadership of Louis Riel.

After the Riel Rebellion failed, the Chippewa-Metis diaspora, or scattering, began. Here the chronology of the tribes gets confusing, even to the Little Shell people themselves. Some Chippewa-Metis joined their "full-blood" Chippewa cousins in the Turtle Mountains of what became North Dakota. Others went to Montana. Many more migrated farther west into what is now Saskatchewan and Alberta.

In 1885, Riel led a second Metis-Indian rebellion in Saskatchewan. It, too, eventually failed and Louis Riel was tried and hanged for treason. Many families fled to Montana as political refugees.

A reservation in the Turtle Mountain Area was set aside for the Chippewa and the Metis who had taken up permanent residence. The Treaty of 1863 was signed by the two principal chiefs of the

Pembina Chippewa: Chief Little Shell and Chief Red Bear. The Pembina Chippewa claimed 10 million acres of land as their reservation.

In 1892, the government renegotiated the treaty because white settlers had continued to pour into this area and many were squatting on lands claimed by the Chippewa. The new document was known as the "Ten Cent Treaty" because about $.10 an acre was paid for the entire 10 million acres of land ceded. Chief Little Shell (son of the Chief Little Shell who signed the 1863 treaty) would not take part in the agreement negotiations and left the area in disgust. The reservation was reduced to two townships in North Dakota.

The group of Chippewa and Metis that followed Chief Little Shell (and later his son, Chief Thomas Little Shell) roamed to Canada and Montana. They became known as the Little Shell Chippewa band.

Little Shell's band survived by collecting and selling the bleached bones and polished horns of the vast herds of bison that had been slaughtered. The band had no reservation lands and no legal rights. Montanans considered them Canadian Indians and, at one time, U.S. troops deported them.

During the Depression of the 1930s, many Chippewa farmers were forced to move from their allotment lands to "shanty-towns" outside of cities, or onto various Indian reservations. Some of the Little Shell who moved onto reservations intermarried with the tribes there. Today, there are Little Shell descendants on every reservation in Montana.

FEDERAL RECOGNITION

Public perception of a people can be confused by the names they are called. Some of the names applied to the Little Shell Chippewa are: Metis, Mitchif, French-Canadian, Breed, Half-Breed, Red River Breed and Pembina Chippewa.

Federal recognition has been the primary issue for the Little Shell Chippewa for many years. In 1927, Joseph Dussome of Zortman tried to organize the "Abandoned Band of Chippewa Indians." In 1934, he incorporated the group as the "Landless Indians of Montana."

Throughout the 1930s, Dussome and other Little Shell leaders and tribal members petitioned various Bureau of Indian Affairs officials for recognition and a reservation for their tribe. Dussome doggedly pursued every avenue to secure a homeland for the Chippewa. Various sites for a Little Shell Chippewa Reservation were mentioned in correspondence by and between Dussome and government representatives. These included Dupuyer, the Beaver Creek area adjacent to the Rocky Boy's Reservation, and land next to the Fort Belknap Reservation, Flathead Reservation, and Blackfeet Reservation. Another site discussed was near Box Elder adjacent to the Rocky Boy's Reservation.

The "Indian Movement" of the late 1960s and 1970s created renewed interest in traditional Indian culture. That Native American renaissance helped fuel another, better-educated generation of Little Shells to demand recognition by the U.S. government.

On September 17, an update on the Little Shell recognition application was presented to tribal members at the tribal council quarterly meeting in Great Falls. According to Robert Peregoy, attorney for the Native American Rights Fund which is assisting the tribe with its application, the Bureau of Indian Affairs will likely issue a recommendation in 1996.

What will it mean if the Little Shell Chippewa obtain formal recognition in the next years? First of all, justification. For decades the Little Shell have fought for their very existence. Federal recognition would make it easier to restore the cultural base, especially for the younger generations. Recognition would make tribal members eligible for the programs and services that other Indian peoples receive. A health clinic, housing, higher-education grants, and economic development would have a positive impact on those communities where members live. The economic and educational status of tribal members could improve dramatically after federal recognition.

Naturally, the people of Montana will become more aware and knowledgeable about the Little Shell Chippewa. Tribal activities, functions and news might be covered by the media. A shift could also occur in the minds of non-Indian citizens and the perception that "real" Indians live only on reservations could be altered forever.

HOUSING, MEDICAL FACILITIES AND EDUCATION

Because the Little Shell Band is not a federally-recognized group, they do not qualify for any of the services such as housing, medical facilities, and education provided by the U.S. government for federally-recognized groups of Indians. However, they are able to obtain some services through urban Indian centers located in larger communities such as Helena, Great Falls and Butte.

TRIBAL GOVERNMENT

Joe Dussome succeeded Chief Thomas Little Shell as tribal leader in 1927 and he served until 1963. In the 1960s, George Sinclair was elected state president and served until 1976.

In 1977, a new generation of tribal leaders adopted an updated tribal constitution which is still in effect. The current Little Shell Tribal Council has a chair, vice-chair, second vice-chair, secretary, treasurer, and four council members. The tribal council conducts quarterly meetings as well as numerous work sessions.

Recognition could also mean the establishment of some kind of "homeland" for the Little Shell Chippewa. It may be only a small piece of land on which to locate the tribal capital, museum, and pow-wow grounds. But no matter how small and modest, every Little Shell tribal member could feel ownership and pride.

Federal recognition to the people of the Little Shell Chippewa Tribe would be the culmination of a long sought-after dream.

Elections for four council seats are held every two years in a statewide election by tribal members. A statewide committee of area representatives serves as a "lower house" and is a valuable source for local involvement and assistance to the council under the revised 1971 Tribal Constitution.

CULTURAL RENAISSANCE

The "Indian Movement" of the 1960s and 1970s was felt in Montana. Indian centers were established in nearly all of Montana's larger communities. The Indian centers provided services to all Indians, whether recent arrivals from reservations, transients from other states or incumbent third-generation "landless" urban Chippewa.

Training opportunities, high school equivalency exams, and jobs were available through the centers. Some Indians obtained scholarship assistance to attend college, or worked at part-time and full-time jobs to finance their college educations. More importantly, the centers provided a reintroduction to traditional Indian culture at a time when the Metis-based culture was in decline.

The Little Shell Chippewa in Montana continue to foster their native culture. Some are traditional Indian dancers and adamantly make sure their children are "raised Indian."

Because of the "Reawakening" that occurred in the past 20 years, their children's children will know who they are...Little Shell Chippewa.

ANNUAL FESITIVITES

Joe Dussome Day (September)
Battle of Batoche Observance (July)

James Parker Shield, an enrolled member of the Little Shell Chippewa Tribe, is from Great Falls (The "Smelter Hill" shanty town). Shield is a former coordinator of Indian Affairs for the state of Montana, and he served as a member of former Governor Ted Schwinden's staff. Shield is currently a federal programs administrator for the Poplar School District on the Fort Peck Indian Reservation.

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Chronologies

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GENERAL AMERICAN INDIAN CHRONOLOGY

(October 12, 1492)
Christopher Columbus landed in the Americas, discovering an alternative route to the home of Native American tribal peoples, instead of an alternate route to the Asian Indies.

(1568)
Native Americans became the recipients of the Anglo-Europeans' formal education, with the establishment of a French Jesuit mission school in Havana for the Indians of what is now Florida.

(March 24, 1617)
The Anglican clergy were directed by King James I to raise funds for the establishment of churches and schools for "Christianizing and civilizing" the Indian children of the current state of Virginia.

(1625)
First American deed executed between Indians and English colonists. Some of the newly arrived immigrants requested 12,000 additional acres of Pemaquid land from Samoset, who ceremoniously made his mark on a piece of paper, thereby contradicting his land concept and transferring the land.

(1691)
The College of William and Mary chartered for the secular and religious education of certain young Indian males.

(17th Century)
Dartmouth College and Harvard College (University) chartered for the express purposes of educating Indian and English youths. The former were to be molded into the image of the newly arrived foreigners.

(1775)
The Second Continental Congress organized three departments of Indian affairs: Northern, Middle and Southern.

(1775)
Dartmouth College appropriated funds ($500) by the Continental Congress for the education of Indians.

(1778)
Articles of Confederation became effective providing among other things for Indian trade regulation and management of Indian affairs.

The United States Constitution empowered Congress "to regulate commerce with foreign nations and among the several states, and with the Indian Tribes." The states were also prohibited from dealing with any Indians within their respective boundaries.

(August 7, 1786)
Ordinance establishing, within the Department of War, an Indian Department with Henry Knox, then Secretary of War, charged with the responsibility for Indian affairs.

(1789)
Northwest Ordinance, a statute continuing then existent Indian policy.

THE UTMOST GOOD FAITH shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed unless in justified and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.
—An Ordinance for the Government of the Territory of the United States northwest of the river Ohio, 1789
[Quoted from Vine Deloria, Jr., Of Utmost Good Faith]

(1789-1871)
Treaty Policy Period of Federal-Indian Relations—Indian tribes were treated as foreign nations with whom approximately 400 treaties were negotiated of which 371 were ratified by the United States Senate.

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Article VI of the United States Constitution addressing itself and ALL treaties states that they "shall be the supreme law of the land; . . . anything in the Constitution or laws of any State to the contrary notwithstanding."

(1790s)
Beginning of annuity payments as agreed to in treaties. Payments were for services, such as education and health, as well as for annuities in the form of money or goods for a specified period of time or in perpetuity.

(1794)
Treaty with the Oneida, Stockbridge and Tuscarora nations, the first treaty in which education for Indians was specifically mentioned.

(1819)
An act passed marking the beginning of the period of federal support for the education of Native Americans, which until 1873 provided for a "Civilization Fund" on an annual basis.

(1824)
The Bureau of Indian Affairs, with personnel of three, established with the War Department.

(May 28, 1830)
The Indian Removal Act mandated the removal of the Indian tribes west of the Mississippi, supposedly to save them from contamination by the Anglo-Europeans and from extinction. In actuality, it facilitated westward expansion.

The Cherokee's "Trail of Tears" was the result of this removal policy, in which approximately 4,000 died on their forced march west.

(1831)
In the case of The Cherokee Nation vs. Georgia, Chief Justice John Marshall, handed down the decision that tribes were "domestic dependent nations" subject to the United States Congress, but not to state law.

(1832)
A Supreme Court decision in the case of Worcester vs. Georgia reaffirming the sovereignty of the United States and the tribe, and that the removal of the tribe by the state of Georgia was illegal.

(June 30, 1834)
The Indian Trade and Intercourse Act as its names implies, regulated trade and intercourse with Indian tribes, as well as provided for the organizational operation of a Department of Indian Affairs.

(1849)
The Bureau of Indian Affairs was transferred from the Department of War to the Department of the Interior.

(1852)
Successful Indian control of education exemplified by the "Five Civilized Tribes," specifically the Cherokees who operated 21 schools and two academies for their then 1,100 student body.

(December 24, 1864)
Sand Creek Massacre of the Cheyenne and Arapaho.

(1868)
Congressional committee report disclosed abysmally low socioeconomic and educational conditions of the Native American tribal peoples.

(1868)
Washita Massacre of the Cheyenne.

(1868)
Ratification of the 14th Amendment extending citizenship in the United States and respective states to those born in this country.

Indians were not included in this action because of being born in a tribe, which was considered to be a foreign nation.

(January 23, 1870)
Baker Massacre of the Blackfeet.

(1871)
Treaty Policy Period of Federal-Indian Relations ended.

(March 3, 1871)
Appropriations Act ended the policy of making treaties with Indians and inaugurated policy of domestic affairs relationships with Indians.

(1871-1887)
Reservation Policy Period of Federal-Indian Relations Land areas reserved by tribes within which boundaries they were expected to live. Created by treaties, Congressional Act and Executive Orders, 286 such land areas remain ranging in size from the tiny Strawberry Valley Rancheria in California to the gigantic Navajo Reservation.

(June 25, 1876)
The Battle of the Little Big Horn at which Native American resistance to Anglo-European domination resulted in the defeat and death of George Armstrong Custer and 264 of the men under his command.

(September 9, 1878)
The beginning of the six week march from Oklahoma back north of the Northern Cheyennes led by Little Wolf and Morning Star. Of the 297 men, women and children who began their walk back home, less than one-third were young men.

(1879)
General R.H. Pratt established at Carlisle, Pennsylvania the first Indian boarding school located off a reservation. The Pratt philosophy of removal of student from family and tribe and imposition of rigid military discipline characterized Indian education for the ensuing 50 years.

(November 16, 1884)
Tongue River Indian Reservation for the Northern Cheyennes created by Executive Order signed by President Chester A. Arthur.

(1885)
Major Crimes Act in which Indian cases regarding major crimes are to be tried in Federal courts. The seven original major crimes were: arson, assault with intent to kill, burglary, larceny, manslaughter, murder and rape. There are currently 14 such crimes.

(February 8, 1887)
Passage of the General Allotment Act, also known as The Dawes Severalty Act for its sponsor Senator Henry L. Dawes of Massachusetts. This legislation called for the compulsory individual allotment of land to Indians, and essentially broke up the cohesiveness of tribes.

This act did not apply on all reservations, among them the Apache, Navajo, Papago and Hopi. All reservations in Oklahoma, however, were allotted, although it took the 1898 Curtis Act to mandate the allotment of the lands of the "Five Civilized Tribes."

Within this specific Congressional Act alone, the Indian land base was decreased from 140 million acres to approximately 50 million acres.

(November 2, 1921)
Snyder Act authorized funds to be expended for Indians regardless of Indian blood quantum, tribe or residence, so long as it is within the boundaries of the United States.

(1887-1934)
The Allotment Policy Period of Federal-Indian Relations—The Dawes Severalty Act was viewed by those that were pro-Indian as a much needed reform, but before allotment was finally halted, it was seen as only one other means of coercive assimilation and as a failure.

(October 18, 1888)
Amendments to the General Allotment Act

(1889-1891)
The Ghost Dance Religious Movement, which held forth promise to the Indian that he would be released from the bonds of oppression, that the white man would be destroyed, and the old world of the Indian would be restored in all its beauty.

(December 29, 1890)
Massacre at Wounded Knee of the Miniconjou.

(February 28, 1891)
Amendments to the General Allotment Act pertinent to the number of acres of land to be allotted.

(March 3, 1893)
Appropriation Act with Secretary of the Interior authorized to:
". . . prevent the issuing of rations or the furnishing of subsistence either in money or in kind to the head of any Indian family for or on account of any Indian child or children between the ages of eight and 21 years who shall not have attended school during the preceding year in accordance with such regulations.":

(1908)
So-called "Winters Doctrine" in the case of Winters vs. United States decided by the Supreme Court in which the right of Indian water use was defined.

(1924)
The Indian Citizenship Act enacted into law, which extended American citizenship to those Indians who had not become citizens through the allotment process; however, in no way were property rights, tribal or otherwise, to be affected.

(1928)
Lewis Meriam's Report prepared by the Institute for Government Research (now Brookings Institution), Washington, D.C., which surveyed Indian social and economic conditions. This report disclosed federal paternalism and exceptionally poor quality medical and educational services.

(1934)
Enactment of the Indian Reorganization Act, which is also referred to as the Wheeler-Howard Act. This Act provided for tribal self-government, land and resource conservation and development, and other reforms.

The IRA (as it is commonly referred to) did not apply within the states of Oklahoma and Alaska. Special supplements to the IRA had to be enacted in 1936 to accommodate the Indians of Oklahoma and Alaska.

(April 16, 1934)
Johnson-O'Malley Act became effective, which granted contracting authority with the states to the Secretary of the Interior for Indian education, health, social welfare, and agricultural assistance.

(1934 to today)
Reorganization Policy Period of Federal-Indian Relations.

(1936)
Johnson-O'Malley Act amended to its current state. It expanded the contracting authority of the Secretary of the Interior to include schools, colleges, universities, and other appropriate agencies.

(November 15, 1944)
National Congress of American Indians organized in Denver, Colorado, by Indian delegates representing 50 tribes.

(1946)
Indian Claims Commission created to hear, investigate and rule on compensation claims for injustices and wrongs committed by the federal government against American Indians. Only monetary awards based upon the market value of the land when it was taken made to those few victorious tribes.

(1950)
Dillon S. Myer, formerly in charge of Japanese Concentration Camps in the United States, appointed as Commissioner of Indian Affairs. He was responsible for reinstituting pre-Meriam Federal policies such as assimilation, as well as introducing policies of termination and relocation.

(September 23, 1950)
Public Law 81-815, School Facilities Construction Act, authorized federal assistance in public school construction in those schools attended by Indian students.

(September 30, 1950)
Public Law 81-874, The Federally Impacted Areas Act, authorized funds for general operational expenses in those school districts which lost taxes because of the proximity of federal property.

(1952)
Discontinuation of loans for Indian college students, formerly authorized by the 1934 Indian Reorganization Act.

(1952)
Governmental closure of all federal schools located in the four states of Michigan, Wisconsin, Idaho and Washington.

(1953)
Public Law 280 enacted, which transferred to individual states from the federal government jurisdiction on reservations regarding law and order.

(1953)
House Concurrent Resolution 108 adopted, which called for the withdrawal of federal services to Indians, thereby, terminating its trust responsibilities to American Indians.

(1954)
Introduction of ten termination bills in Congress, six of which were passed into law.

(September 18, 1958)
Announcement by Secretary of the Interior Fred Seaton that Indian tribes would be terminated only with their consent, which partially halted the termination policy.

(1961)
Fund for the Republic Report issued, which was critical of the Bureau of Indian Affairs, termination, and the inadequate federal services. It called for Indian involvement and for Bureau of Indian Affairs educational program reorganization.

(1961)
"The Declaration of Indian Purpose" formulated at the Chicago, Illinois, conference of more than 400 American Indians representing 67 tribes.

(1965)
Passage of the Elementary and Secondary Education Act, which provided funds for the improvement of educational programs for the disadvantaged child.

(1968)
Indian Civil Rights Act assuring certain rights against infringement, which are similar to those contained in the Bill of Rights.

(March 6, 1968)
President Lyndon B. Johnson's message on Indian affairs, "The Forgotten American," in which he advocated Indian tribal self-determination and rejected the federal policy of termination.

(1969)
The report "Indian Education: A National Tragedy—A National Challenge," published by the Special Subcommittee on Indian Education of the Committee on Labor and Public Welfare, United States Senate. (91st Congress, 1st Session)

(1969)
Publication of Our Brother's Keeper: The Indian in White America edited by Edgar S. Cahn, from which the following is an excerpt:

The Indian Affairs Manual, which explains and sets forth the procedures and rules that govern Indians, fills 33 volumes which stack some six feet high . . . There are more than 2,000 regulations; 400 (389) treaties; 5,000 statutes; 2,000 Federal court decisions; and 500 opinions of the Attorney General which state, interpret, apply, or clarify some aspect of Indian.

(1969-1970)
Occupation of Alcatraz Island in the middle of the San Francisco Bay by the Indians of All Tribes.

(December 15, 1970)
Sacred Blue Lake restored to the Taos Pueblos for religious purposes, the 48,000 acres to remain forever in a natural state.

(July 8, 1970)
President Richard M. Nixon's special message on Indian affairs, calling for Indian self-determination and a new House Concurrent Resolution repealing the termination policy contained in HCR 108.

(1971)
Publication of An Even Chance, which disclosed the gross abuse and misuse of federal funds specifically earmarked for Indian children.

(November 3-9, 1972)
Trail of Broken Treaties occupation of the Washington, D.C., Bureau of Indian Affairs building.

(1972)
Indian Education Act (Title IV of Public Law 92-318, Educational Amendments of 1972) enacted to serve the unique educational needs of American Indians.

(1972)
Adoption of the new Montana State Constitution, Article X, Section 1(2), which recognizes the unique and distinct cultures of American Indians, and is dedicated in its educational goals to preserving their cultural integrity.

(1973)
Indian Studies Law of the State of Montana codified as Sections 75-6129 through 75-6132 of the Revised Codes of Montana, 1947, which requires all public school teaching personnel employed on or in the vicinity of Indian reservations to have a background in American Indian studies by July 1, 1979.

(February 7, 1973-May 8, 1973)
The Wounded Knee Siege, an assertion of sovereignty based upon the 1868 Fort Laramie Treaty.

(December 22, 1973)
Menominee Restoration Act passed, which reversed termination for the Menominee and restored them to federal recognition as a tribe.

(June 8-16, 1974)
First International Treaty Conference meeting at the Standing Rock Sioux Reservation in South Dakota.

(1975)
Public Law 93-638, the Indian Self-Determination and Education Assistance Act mandating maximum Indian community participation in quality educational programs as well as in other federal programs and services.

(January 1977)
Consultative Status in the United Nations granted to the International Indian Treaty Council of the Western Hemisphere.

(August 5, 1977)
Approval by Environmental Protection Agency of Class I air quality standard on the Northern Cheyenne Reservation.

(September 20-23, 1977)
"International NGO Conference on Discrimination Against Indigenous Populations-1977-In the Americas" held at the United Nations in Geneva, Switzerland.

Consultative Status in the United Nations is granted to the International Indian Treaty Council of the Western Hemisphere.

Final report of the American Indian Policy Review Commission recommended Indian self-determination and opposed forced assimilation.

(1978)
Bill to create Indian Community Colleges.

Native American Indian Religious Freedom Act passed.

The Longest Walk, a protest march organized by activists opposed to government policy, is mustered for a march to Washington, D.C.

Indian Claims Commission ends, unfinished cases go to the U.S. Tenure of Court Claims.

Indian Child Welfare Act was enacted to oversee the adoption and custody procedures so that extended family, tribal members, or other Indian families are given adoption preferences so that child, family and tribal rights are honored.

(1979)
Washington v. Washington State Commercial Fisheries, etc.; Supreme Court affirms district court orders implementing Boldt decision in U.S. Washington; 1955 treaties did reserve Indian rights to harvest specific share of Puget Sound fishery resources.

(1980)
President Ronald Reagan appointed James Watt as Secretary of the Interior, an act described as "hiring the fox to guard the chickens." During Watt's two-year regime, public lands came under rapid development and public resources were sold at bargain prices.

Death of Jay Silver Heels who played Tonto in the Lone Ranger series and movies.

The Passamaquoddy and Penobscot tribes of Maine receive a settlement of their land claims after a long and difficult legal battle.

According to the U.S. Census, the Native American population was almost 1.5 million.

President Reagan advocated a policy of cutting back on funds and programs for Native Americans. Funds were cut almost in half.

(1985)
The National Tribal Chairman's Association rejected President Reagan's Commission, which they felt was another attempt at termination.

(1988)
P.L. 100-297, a bill to reauthorize the Indian Education Act. It consolidated several Indian education programs. Name was changed from Title IV to Title V.

The Indian Gaming Act was passed by Congress. This opened up reservations to venture in the area of high stakes gambling. Many reservations across the country took advantage of this opportunity.

The Bureau of Indian Affairs reorganization process, is still ongoing.

(1989)
Department of Education Secretary commissioned the "Indian Nations At Risk" study.

PL 100-297 The Indian Education Amendment enacted.

(1990)
P.L. 100-292 authorized the White House Conference on Indian Education.

Congress passed the Native American Graves Protection Act, which gave protection to ancient burial grounds and archeological sites.

The U.S. Census indicated that the population of the Native Americans was almost two mililon.

(1992)
White House Conference on Indian Education.

Many Native Americans throughout the United States express their opposition to Columbus Day and protest the Columbus Quincentennial Celebration.

(1993)
The National Trust placed the Sweet Grass Hills, a holy place for Montana Indians, on its list of the Eleven Most Endangered Historic Places list.

MONTANA INDIAN EDUCATION CHRONOLOGY

The following chronology is a summary of some of the major events in Montana Indian education, from 1972 to 1991. Listed are major events and legislation that have made a significant impact on the education of Indian people in our state. This document was prepared by the Office of Public Instruction and the Montana Advisory Council for Indian Education. In addition to historical information, we have listed events that have happened more recently.

(June, 1972)
Montana Constitutional Convention adopts Article X, Section I, Paragraph 2, of the new constitution indicating the "State of Montana recognizes the distinct and unique cultural heritage of the American Indian, and is committed in its educational goals to the preservation of their cultural heritage."

(March 1973)
House Bill 343 passed the Montana legislature. This bill set up a requirement that all teachers in Montana, who teach on or near an Indian reservation, have a background in Indian studies. The bill also encouraged all schools in Montana to comply with the provisions of the law.

(February 1974)
House Joint Resolution 60 passed the Montana legislature. This legislation instructed the Board of Public Education and the Board of Regents to devise a Master Plan for enriching the background of all public school teachers in American Indian culture.

(March 1975)
Senate Joint Resolution 17 passed the Montana legislature. The resolution encouraged public schools to include courses on Indian history, culture, and contemporary affairs in their curricula, and also encouraged teacher training institutions to provide programs specifically designed to prepare teachers to teach Indian children.

(March 1975)
House Joint Resolution 57 passed the Montana legislature. This resolution designated the fourth Friday in September of every year as "Native American Day," and invited the people of Montana to observe the day with appropriate ceremonies and activities.

(December 1975)
The Indian Culture Master Plan - A plan for enriching the background of public school personnel in American Indian culture, was adopted by the State Board of Education.

(April 1979)
House Bill 219 passed the Montana legislature. This bill amended Montana statue to make the law requiring that certain teachers obtain instruction in American Indian studies, permissive rather than mandatory.

(April 1984)
The Board of Public Education adopts a Policy Statement on American Indian Education, which encourages programs and services to meet the unique educational needs of American Indian youth and adults, and also called for the establishment of a statewide Indian Education Advisory Council.

(June 1984)
The Board of Public Education and the Office of Public Instruction establish the Montana Advisory Council for Indian Education, to advise the Board and the State Superintendent in educational matters involving Indian students. The Council is to consist of delegates from all reservations and major Indian educational organizations.

(March 1990)
Superintendent of Public Instruction Nancy Keenan issues a Position Paper—Commitment to American Indian Education in Montana. This paper reaffirms her support for Article X, Section 1, paragraph 2 of the Montana Constitution, and her commitment to work closely with Indian people in order to increase the educational attainment level of Indian students. She also states her opposition to using P.L. 81-874 for state equalization.

(March 1990)
Montana Forum for Indian Education is held in Helena. The one day forum sponsored by the Board of Public Education and the Office of Public Instruction gave Indian tribes and Indian education organizations an opportunity to provide testimony and recommendations aimed at improving the state educational system for the benefit of Indian people.

(May 1990)
"Opening the Montana Pipeline Conference: American Indian Higher Education in the Nineties", is held at Montana State University in Bozeman. A major focus of the conference is to propose strategies and an educational action plan for the State of Montana.

(June 1990)
Policy on minority achievement on submission to the State Board of Regents.

(September 1990)
Montana Indian Education Retreat is held at Fairmont Hot Springs to allow participants to plan a legislative agenda, and draft a series of recommendations for state educational decision-makers.

(September 1990)
State Board of Education holds meeting at Salish Kootenai College in Pablo.

(September 1990)
Policy on Minority Achievement: Montana University System, passed by the Board of Regents.

(September 1990)
Indian educators meet with the Legislative Committee on Indian Affairs to discuss legislative agenda developed at the Retreat.

(January 1991)
State Plan for Indian Education made available for public comment. This plan will summarize all of the recommendations of the "Opening the Pipeline Conference," the Montana Forum for Indian Education, and the Indian Education Retreat. It will be reviewed yearly to determine if progress is being made in the education of Montana Indians.

(January 1991)
The Montana legislature approves a line item budget in the Office of Public Instruction to fully fund an Indian Education Specialist on state funds.

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Philene and Buttons	Northern Cheyenne
School	Blackfeet
Insects Off to War	Northern Cheyenne
Helpers	Blackfeet
Far Out; A Rodeo Horse	Crow
Birds and People	Crow
My Name is Pop	Crow
Santa Claus Comes to the Reservation	Crow
Friends	Blackfeet
A Little Boy's Moment	Blackfeet

Educational Systems, Inc. The Indian Reading Series; Stories and Legends of the Northwest: (L-11):

End of Summer	Crow
Pat Learns About Wild Peppermint	Blackfeet
Grandma Rides in the Parade	Crow
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Coyote and the Man Who Sits on Top	Salish-Kootenai
The Crow	Assiniboine-Sioux
Teepee, Sun and Time	Crow
Water Story	Crow
Napi and the Bull Berries	Blackfeet

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The Blacktail Dance	Blackfeet
How the Marten Got His Spots	Salish-Kootenai
How the Morning and Evening Star Came to Be	Assiniboine-Sioux
Coyote and Trout	Salish-Kootenai
Inkdomi and the Buffalo	Assiniboine
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Owl's Eyes	Kootenai
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Educational Systems, Inc. The Indian Reading Series; Stories and Legends of the Northwest (L-V):

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Mary Quennquesue's Love Story	Flathead
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A Young Warrior	
Buffalo of the Flatheads	Flathead
Broken Shoulder	Gros Ventre
How the Big Dipper Came and the North Star Came to Be	Assiniboine-Sioux
Duckhead Necklace	Assiniboine
Indian Love Story	
White Rabbit	Assiniboine-Sioux
The Lone Pine Tree	Blackfeet
The Lodge Journey	
How Horses Came to the Gros Ventre	Gros Ventre
Red Bird's Death	

6

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MONTANA POPULATIONS BY AMERICAN INDIAN TRIBE BY RESERVATION AND STATE

American Indian Tribes	Blackfeet	Crow	Flathead	Reservation Fort Belknap	Fort Peck	N. Cheyenne	Rocky Boy's	Res. Total	State Total
Alaskan Athabaskan	1	0	1	0	0	0	0	2	16
Apache	5	2	33	0	3	3	0	46	128
Blackfoot	6,307	19	197	20	20	11	12	6,586	8,712
Cherokee	3	3	49	1	3	2	0	61	600
Cheyenne	26	78	23	5	24	2,851	11	3,018	3,885
Chickasaw	1	0	1	1	2	0	0	5	23
Chippewa	39	20	140	85	322	19	44	669	3,167
Chocktaw	2	1	11	0	2	2	0	18	72
Comanche	1	3	2	1	0	0	0	7	22
Creek	0	0	5	0	2	0	0	7	24
Crow	27	4,227	12	16	15	164	15	4,476	6,163
Iroquois	3	0	7	0	3	2	0	15	107
Kiowa	0	6	0	0	0	0	0	6	15
Lumbee	0	0	0	0	0	0	0	0	11
Navajo	17	16	114	4	35	12	1	199	335
Osage	0	0	8	0	0	0	1	9	23
Paiute	1	0	4	0	1	2	0	8	32
Pima	5	0	21	0	4	0	0	30	34
Potawatomi	4	0	19	0	3	0	0	26	88
Pueblo	6	3	2	0	0	4	2	17	43
Seminole	0	3	7	0	1	1	0	12	29
Shoshone	9	2	11	3	0	6	1	32	89
Sioux	48	51	125	47	3,219	102	8	3,672	4,815
Tingit	3	0	0	1	0	1	0	5	23
Tohono O'Odham	0	0	9	0	5	0	0	14	21
All other Tribes	328	79	4,152	2,079	1,808	126	1,663	10,235	15,962
Tribe not specified	4	1	18	4	13	4	7	51	168
Tribe not reported	185	210	139	65	225	230	117	1,171	2,917
Other Races	1,524	1,646	16,149	176	4,813	381	72	24,761	751,541

Sources: U.S. Census Bureau, (1990)
Profile of the Montana Native American, (1994)

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Indian Populations Living on Montana Reservations

Reservation	1980	1989	1990	1991
Blackfeet Agency	5,525	7,179	7,025	7,208
Crow Agency	3,953	6,226	4,724	6,663
Flathead	3,771	--	5,130	--
Fort Belknap Agency	1,870	2,310	2,338	2,407
Fort Peck Agency	4,273	5,495	5,782	6,699
Northern Cheyenne Agency	3,101	3,197	3,542	4,458
Rocky Boy's Agency	1,549	2,682	1,882	2,848

Total Populations Living on Montana Reservations

Reservation	1980	1989	1990	1991
Blackfeet Agency	6,660	--	8,549	--
Crow Agency	5,973	--	6,370	--
Flathead	19,628	--	21,259	--
Fort Belknap Agency	2,060	--	2,508	--
Fort Peck Agency	9,921	--	10,595	--
Northern Cheyenne Agency	3,664	--	3,923	--
Rocky Boy's Agency	1,650	--	1,954	--

Populations in Montana for Select Ethnic Races by Indian Reservation in 1990

Indian Reservation	White	Black	Indian	Asian	Other	All Races Total
Blackfeet	1,498	9	7,025	2	15	8,549
Crow	1,607	12	4,724	8	19	6,370
Flathead	15,992	16	5,130	45	76	21,259
Fort Belknap	153	3	2,338	2	10	2,508
Fort Peck	4,748	14	5,782	36	15	10,595
N. Cheyenne	366	4	3,542	0	11	3,923
Rocky Boy's	68	1	1,882	0	3	1,954
Reservation Tot.	24,432	61	30,423	93	149	55,158
Montana Total	741,111	2,381	47,679	4,259	3,635	799,065

Sources: U.S. Census Bureau (1990)
Profile of the Montana Native American (1994)

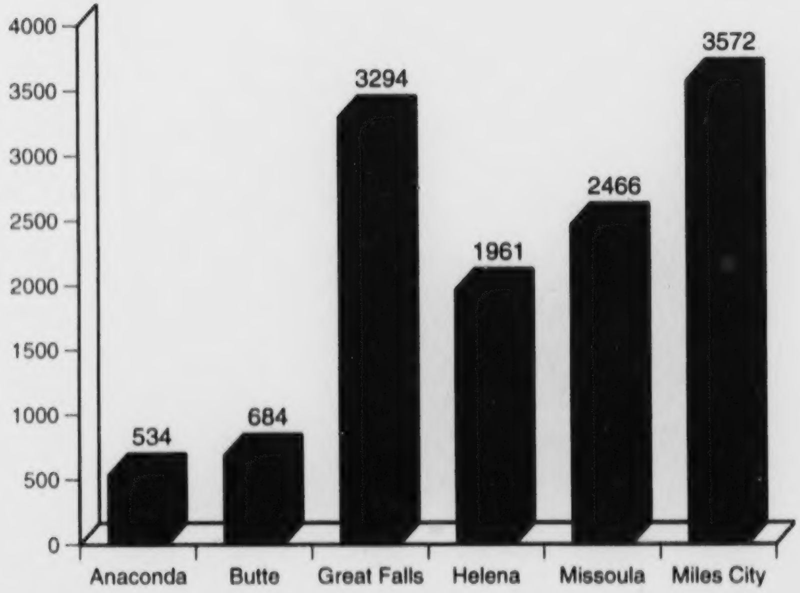
Indian Alliance Population by Counties

Alliance & Headquarters	County	Total Indian Population	Total Population	% Indian Population
Anaconda Indian	Deer Lodge	260	10,278	2.5%
Alliance	Granite	21	2,548	0.8%
Anaconda	Powell	253	6,620	3.8%
	TOTAL	**534**	**19,446**	**2.7%**
N. American	Beaverhead	121	8,424	1.4%
Indian Alliance	Madison	43	5,989	0.7%
Butte	Silver Bow	520	33,941	1.5%
	TOTAL	**684**	**48,354**	**1.4%**
Native American	Cascade	3,072	77,691	4.0%
Center	Liberty	11	2,295	0.5%
Great Falls	Teton	93	4,447	2.1%
	Toole	118	5,046	2.3%
	TOTAL	**3,294**	**89,479**	**3.7%**
Helena Indian	Broadwater	45	3,318	1.4%
Alliance	Gallatin	608	50,463	1.2%
Helena	Jefferson	118	7,939	1.5%
	Lewis & Clark	1,059	47,495	2.2%
	Meagher	18	1,819	1.0%
	Park	113	14,562	0.8%
	TOTAL	**1,961**	**125,596**	**1.6%**
Native American	Lincoln	282	17,481	1.6%
Services Agency	Mineral	79	3,315	2.4%
Missoula	Missoula	1,818	78,687	2.3%
	Ravalli	287	25,010	1.1%
	TOTAL	**2,466**	**124,493**	**2.0%**
Indian Development	Blaine	2,664	6,728	39.6%
& Education	Carter	9	1,503	0.6%
Alliance	Custer	196	11,697	1.7%
Miles City	Daniels	6	2,266	0.3%
	Dawson	83	9,505	0.9%
	Fallon	9	3,103	0.3%
	Garfield	4	1,589	0.3%
	McCone	17	2,276	0.7%
	Phillips	390	5,163	7.6%
	Powder River	37	2,090	1.8%
	Prairie	15	1,383	1.1%
	Richland	140	10,716	1.3%
	Wibaux	2	1,191	0.2%
	TOTAL	**3,572**	**59,210**	**6.0%**

Total population for all counties	**466,578**
Total Indian population for all counties	**12,511**
% Indian population for all counties	**2.7%**

Source: Profile of the Montana Native American, (1994)

Indian Alliance Populations by Headquarters



Source: 1990 Census, P.L. 94-171 File; M.U.I.A.

'FIRST MONTANANS' ADD TO CULTURAL FABRIC

State home to 7 reservations

Native Americans, the "First Montanans," still reside in the area we now call a state. Most live on the seven Indian reservations located in Montana.

The reservations are considered sovereign nations for many purposes, and each has its own government and court system, which in many ways mesh with the federal system.

The rich culture and history of the Indian people have been maintained by the tribes that reside on each reservation. All welcome visitors and host events open to the public.

The reservations in Montana are:

- Blackfeet, located in northern Montana, on the eastern border of Glacier National Park and the Rocky Mountain front, is the home of the Blackfeet Tribe. Don't miss: Museum of the Plains Indian, on Highway 89, which houses art, artifacts and a gift shop. Tribal information: 338-7276.

- Crow, located in southcentral Montana, which is home of the Crow Indian tribe. The reservation is located over huge reserves of coal. Don't miss: Little Bighorn Battlefield National Monument, the site of Col. George Custer's defeat to Indian warriors, near Crow Agency. Tribal information: 638-2601.

- Flathead, in northwest Montana, on the south half of Flathead Lake. The reservation is home to the Salish and Kootenai Tribes. Like much of western Montana, the reservation is experiencing a boom in the tourist trade. Don't miss: The National Bison Range at Pablo, where about 500 bison roam. Tribal information: 675-2700.

- Fort Belknap, in northcentral Montana along the Milk River, is home to the Assiniboine and Gros Ventre tribes. Tribal members are working to produce and market Indian art and crafts. Don't miss: Mission Canyon, a scenic recreation and picnic site near Hays.

- Fort Peck, in northeast Montana, is the largest reservation in the state, covering more than 2 million acres. Members of the Assiniboine and Sioux tribes live there. Don't miss: The Fort Peck Assiniboine and Sioux Culture Center and Museum, in Poplar, featuring exhibits of native arts and crafts. Tribal information: 768-5155.

- Northern Cheyenne, bordering the Crow Reservation in southeast Montana, is home to the Northern Cheyenne Tribe. Like the Crow Reservation, the Northern Cheyenne is located over large deposits of coal. Don't miss: St. Labre Indian School, at Ashland, which was founded in 1884 by Franciscan monks. It houses a museum and visitor center. Tribal information: 477-6253

- Rocky Boy's, in northcentral Montana, is situated along the Bear's Paw Mountains. About 2,500 members of the Chippewa and Cree tribes live on the reservation, which was the last established in Montana -- in 1916. Don't miss: Stone Child College, a tribal community college that has plans to establish a cultural center. Tribal information: 395-4282.

Taken from the *Great Falls Tribune*, June 19, 1994.

"Let us put our minds together and see what life we will make for our children."

—*Sitting Bull*

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THE TRIBAL NATIONS OF MONTANA

A Handbook for Legislators

March 1995

Prepared by
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PREFACE

American Indians have a permanent place in the history, politics, culture, and economic development of the western states. In Montana, Indians from at least a dozen tribal groups compose the state's largest and fastest growing ethnic minority. Only Arizona and New Mexico contain more reservations than Montana's seven. The Indian nations of Montana are a living legacy. They are diverse in their history and cultural traditions. They remain relatively isolated in geographic terms, but not in other aspects. Indians in Montana have benefited from economic and social changes brought about by technology, education, commercial development, and other factors of modernization, but they have also suffered from the corrosive effects that these same changes have had on traditional ways of life. Indians and non-Indians are challenged by history and present circumstances to find common ground on which to build a happy and prosperous future for all Montana citizens.

The Legislature and various state government agencies have the opportunity to honor, and in some cases to help fulfill, binding commitments made to Indians in times past by Congress and the federal government. The 1972 Montana Constitution carried forward the 1889 provision from The Enabling Act explicitly acknowledging Congress's absolute control and jurisdiction over all Indian land, including state authority to tax the land, and forever disclaiming title to lands owned or held by or reserved for an Indian or for Indian tribes. Article X, section 1(2), of the 1972 Montana Constitution recognizes "the distinct and unique cultural heritage of the American Indians" and commits the state in its educational goals to "the preservation of their cultural integrity". Montana is alone among the 50 states in having made an explicit constitutional commitment to its Indian citizens.

State-tribal relations in Montana have been marked by periodic successes and recurrent misunderstandings. Indian and non-Indian people have coexisted in relative peace in Montana for the past century. The splendid Charles M. Russell painting in the House Chamber of the Capitol entitled "Lewis and Clark Meeting the Flathead Indians at Ross' Hole" symbolizes the coming together of disparate people under a much celebrated Big Sky some 75 years before Montana became part of the United States. The surrender of Sioux Chief Sitting Bull after General Custer's defeat at the fateful Battle of the Little Bighorn in 1876 and the capture of Chief Joseph and the Nez Perce in the Bears Paw Mountains in 1877 marked the end of sporadic warfare between white settlers and indigenous peoples on the high plains. These events set the stage for the establishment of Indian reservations and the granting of U.S. (and state) citizenship in 1924 under the 14th amendment to the U.S. Constitution.

While both the federal constitution and the Montana Constitution, a panoply of federal and state laws, and numerous works of art and literature manifest a shared sense of purpose and belonging, there are still many instances of intercultural conflict that can cause hard feelings and lead to further alienation between citizens of different ancestry. At Montana State University's centennial celebration in the spring of 1994, the president of Little Big Horn Tribal College, Janine Pease Windy Boy, warned her audience about the potential for bitter clashes between the dominant and minority culture groups in Montana. We were mindful of that possibility while preparing this document. Our hope is that this handbook will contribute to harmonious relations between the Indian minority and the non-Indian majority of Montana citizens.

The purpose of this handbook is primarily educational--to raise the general level of knowledge and awareness of Indian nations among legislators, state government personnel, and other interested citizens of Montana, especially teachers and students. The handbook is not intended to be an exhaustive study of federal Indian law, nor is it intended to answer all questions relating to issues impacting Indians or tribes in Montana. We hope to offset myths and misconceptions with pertinent facts. We believe that accurate information provides a strong foundation for mutual respect and mutually rewarding relationships between people with different traditions, beliefs, and world views who nevertheless share common rights of citizenship and common aspirations for the state as a whole. There are numerous examples of formal and informal agreements between state government and tribal authorities, but there are also significant issues that remain unresolved and that warrant informed discussion.

The handbook does not take a partisan approach, nor does it include or advocate a specific legislative agenda. The handbook is modeled after a 1993 document published by the Minnesota House of Representatives entitled Indians, Indian Tribes and State Government.[*] We have chosen to combine short narrative sections with a question and answer format, similar to the one used in Jack Utter's American Indians: Answers to Today's Questions.

The handbook is divided into different subject areas for easy reference. The authors recognize that this method of organizing information has its advantages and disadvantages. While topical arrangements offer convenience, they also slight an important reality: the interconnectedness of almost all issues affecting the Indian nations of Montana and the other states. For example, questions of jurisdiction permeate many aspects of federal, state, and tribal relations, even though the subject of jurisdiction itself is explained only once in the handbook. It is increasingly clear that economic development is closely linked to the governance of natural resources and environmental protection, but these subjects are dealt with in separate sections. We trust that readers will take the somewhat artificial separation of issue areas into account and realize how politics, economics, education, and culture are interconnected for Indians and non-Indians alike.

A note on usage: We believe most Indian people prefer to be identified by their tribal affiliation when addressed as individuals or as a tribal group. For example, unless one is talking about all of the Indians in Montana, it is preferable to distinguish between Blackfeet, Assiniboine, Crow, and the others. Throughout the handbook, we've chosen to use the term "Indian" rather than the term "Native American" when referring to the racially and politically distinct population in general terms.

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[*] Indians, Indian Tribes and State Government, Research Department, Minnesota House of Representatives, February 1993.

MONTANA'S INDIAN TRIBES

INTRODUCTION

With the arrival of Lewis and Clark in the first decade of the 19th century, the traditional way of life of Montana Indians became increasingly threatened. By the mid-1880s, the federal government began to deal formally with the tribes, entering into treaties that assigned tribes to certain areas and obligated them to respect the land of their neighbors. However, the mining invasions of the 1860s disrupted these fragile arrangements as miners and others rushed into the prime gold fields that often lay along or within the designated tribal lands. These new inhabitants demanded federal protection, thus beginning the garrisoning of Montana and the eventual relocation of the tribes to smaller and smaller reserves.

The combination of "tribal" and "nation" best encapsulates essential aspects of both the historical and contemporary identity of Indian communities in Montana. There are nine principal tribal groups living on seven reservations in Montana. (See map for locations.) Three of the reservations are inhabited by more than one tribal group. The Confederated Salish, Pend d'Oreille, and Kootenai share the Flathead Reservation; the Gros Ventre and Assiniboine cohabit the Fort Belknap Reservation; and the Assiniboine and Sioux both reside on the Fort Peck Reservation. In each of these cases, the reservation population consists of fragments of larger tribal nations. For example, there are 33 bands of Assiniboine Indians, two of which are represented on the Fort Peck Reservation, where each of the seven primary bands of the Sioux nation are also represented. The Rocky Boy's Reservation was originally inhabited by members of the Chippewa and Cree Tribes. However, because of extensive intermarriage over the years, the tribal rolls list members only as "Chippewa Crees". In 1935, the Chippewa Crees adopted a tribal constitution for the "Chippewa Cree Tribe", officially recognizing the coming together of the two tribes into one. Montana is also home to the Little Shell Band of Chippewa, often referred to as "Landless Indians". Although a distinct tribal group, the Little Shell are not yet a federally recognized tribe.

Tribal nations are distinctive in several respects. They are based primarily (although not exclusively) on ethnic heritage and are racially distinct from other minority groups in Montana and the United States. Most important from a legislative standpoint, tribal nations have a unique status in the American federal system. American Indians are not JUST an ethnic minority; they are also members of quasi-sovereign tribal nations. The Indian nations of Montana are governed by tribal governments that are legally empowered to determine who is and is not a member of the nation. Each of the tribal governments in Montana has established its own criteria for enrollment, with some requiring higher blood quantum levels than others.

INDIAN POPULATION

According to the 1990 census, the Indian population in Montana was 47,679 persons, approximately 5.97% of the total population of the state. Of the Montana population 18 years of age and older, 4.8% is Indian. While Montana's overall population increased only 1.6% from 1980 to 1990, the Indian population increased by 27.9%.

These numbers are only one method of determining the number of Indians in the state. The numbers do not necessarily match the number of persons who appear on tribal rolls or the number of persons that tribes or federal or state agencies consider to be Indian. The concept of race as used by the U.S. Bureau of the Census reflects self-identification. The data for race represents self-classification by people according to the race with which they most closely identify.

Data on American Indians, Eskimos, and Aleuts is combined when reported and includes persons who report their race as one of the three categories. The Bureau of the Census uses the term "American Indian" and includes persons who indicated their race as American Indian, entered the name of an Indian tribe, or entered Canadian-Indian, French-American Indian, or Spanish-American Indian. The term "Eskimo" includes persons who indicated their race as Eskimo or entered other names, such as Arctic Slope, Inupiat, or Yupik. The term "Aleut" includes persons who indicated their race as Aleut or entered other terms, such as Alutiiq, Egegik, or Pribilovian.

The census reports information for American Indian areas that includes all American Indian reservations, off-reservation trust lands, and other tribal-designated statistical areas. Montana has seven Indian areas. The Indian population ranges from 24% of the total population in the Flathead area to 96% in the Rocky Boy's area.

TABLE 1

Indian Population in Montana by U.S. Bureau of the Census American Indian Areas

AMERICAN INDIAN AREA	AMERICAN INDIAN POPULATION	TOTAL POPULATION	AMERICAN INDIAN PERCENTAGE
Blackfeet	7,025	8,549	82
Crow and Trust Lands	4,724	6,370	74
Flathead	5,130	21,259	24
Fort Belknap and Trust Lands	2,338	2,508	93
Fort Peck	5,782	10,595	55
Northern Cheyenne and Trust Lands	3,542	3,923	90
Rocky Boy's and Trust Lands	1,882	1,954	96

Source: U.S. Bureau of the Census (1990)

Although the Indian population in Montana is highly concentrated in a few counties, Indians live in all 56 counties of the state, ranging from a small percentage of less than 1% in 19 counties to 1% to 10% of the population in 29 counties. There are eight counties in which Indians compose from 11% to 56% of the total population.

TABLE 2

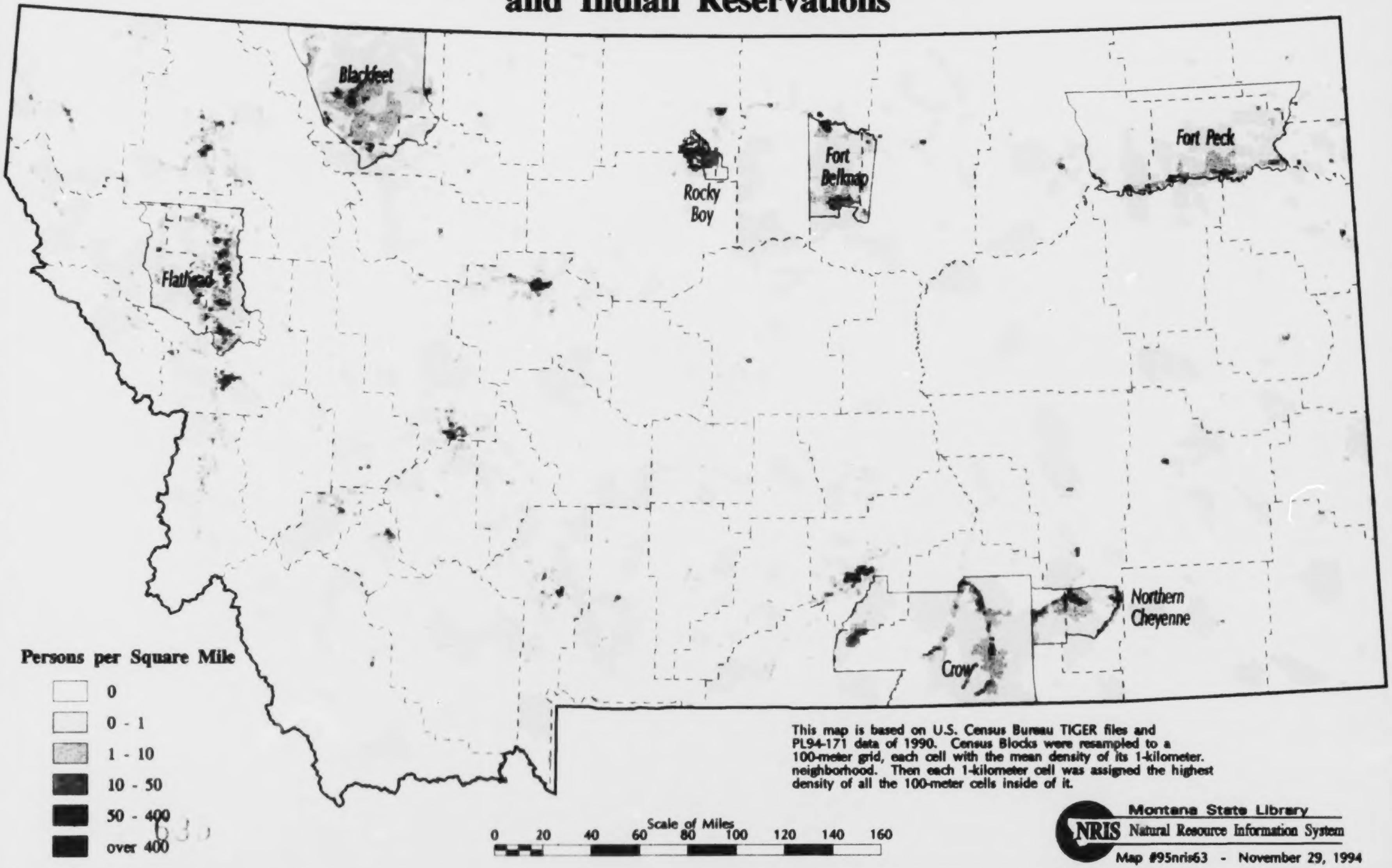
Indian Population in Montana by County

County	1990 Population	Percentage of Total County Population
Beaverhead	121	1.4
Big Horn	6,289	55.5
Blaine	2,664	39.6
Broadwater	45	1.3
Carbon	42	0.5
Carter	9	0.6
Cascade	3,072	3.95
Chouteau	212	3.9
Custer	196	1.7
Daniels	6	0.3
Dawson	83	0.8
Deer Lodge	260	2.5
Fallon	9	0.3
Fergus	121	1.0
Flathead	880	1.5
Gallatin	608	1.2
Garfield	4	0.25
Glacier	6,823	56.0
Golden Valley	10	1.0
Granite	21	0.8
Hill	2,769	16.0
Jefferson	118	1.5
Judith Basin	7	0.3
Lake	4,498	21.0
Lewis and Clark	1,059	2.2
Liberty	11	0.5
Lincoln	282	1.6
McCone	17	0.7
Madison	43	0.7
Meagher	18	0.99
Mineral	79	2.4
Missoula	1,818	2.3
Musselshell	26	0.6
Park	113	0.77
Petroleum	3	0.58
Phillips	390	7.5

Pondera	704	11.0
Powder River	37	1.7
Powell	253	3.8
Prairie	15	1.1
Ravalli	287	1.1
Richland	140	1.3
Roosevelt	5,355	48.7
Rosebud	2,807	26.7
Sanders	471	5.4
Sheridan	50	1.0
Silver Bow	520	1.5
Stillwater	52	0.8
Sweet Grass	16	0.5
Teton	93	1.5
Toole	118	2.3
Treasure	9	1.0
Valley	770	9.3
Wheatland	19	0.8
Wibaux	2	0.1
Yellowstone	3,235	2.85
Montana	47,679	5.97

Source: U.S. Bureau of the Census (1990)

Montana Indian Population Density and Indian Reservations


Blackfeet
Rocky Boy
Fort Belknap
Fort Peck
Flathead
Crow
Northern Cheyenne
Persons per Square Mile
0
0 - 1
1 - 10
10 - 50
50 - 400
over 400
Scale of Miles
0 20 40 60 80 100 120 140 160

This map is based on U.S. Census Bureau TIGER files and PL94-171 data of 1990. Census Blocks were resampled to a 100-meter grid, each cell with the mean density of its 1-kilometer. neighborhood. Then each 1-kilometer cell was assigned the highest density of all the 100-meter cells inside of it.

Montana State Library
NRIS Natural Resource Information System
Map #95nris63 - November 29, 1994

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REAPPORTIONMENT

Reapportionment occurred following the 1990 census and resulted in an increase in legislative districts in which Indians compose more than 50% of the population: from a single House district following the reapportionment based on the 1980 census to four House districts and one Senate district following the reapportionment based on the 1990 census. Although the districts are composed of more than 50% Indians, a higher percentage of that population is under 18 years of age than in the total population.

The 15th amendment to the U.S. Constitution has, since 1870, guaranteed the right to vote to all citizens, regardless of race, color, or the previous condition of servitude. That right was not clearly outlined or enforced until the Voting Rights Act of 1965, which was further amended in 1970, 1975, and 1982. The 1975 amendments extended protection against denial or abridgment of the right to vote to "language minority groups", including Indians, in addition to traditionally recognized minority groups that are identified by race or color.

Reapportionment in the 1990s resulted in a moderate gain in the protection of minority voting rights for Indians in Montana, although the first election cycle since reapportionment did not result in greater Indian representation. If Indian population continues to outpace the total population in the amount of increase, the 2000 census and subsequent reapportionment may result in stronger Indian majority districts and increased Indian participation in the state Legislature.

TABLE 3

Summary of Indian Majority/Influence Districts

RESERVATION	COUNTIES	AMERICAN INDIAN POPULATION	PERCENTAGE OF TOTAL DISTRICT POPULATION	PERCENTAGE OF VOTING AGE POPULATION(18 and older)
Blackfeet (HD 85)	Glacier	5,632	69.65	66.36
Rocky Boy's and Fort Belknap (HD 92)	Hill and Blaine	4,660	58.82	52.37
Fort Peck (HD 98)	Roosevelt	4,973	61.11	55.23
Northern Cheyenne and Crow (HD 5)	Big Horn and Rosebud	4,307	56.72	49.74
Crow (HD 6)	Big Horn and Yellowstone	4,555	59.75	53.00
Flathead (HD 73)	Lake	2,515	30.63	27.95
Crow and Northern Cheyenne (SD 3)	Big Horn, Rosebud, Yellowstone	8,862	58.24	51.40

Source: Montana Legislative Council, based on the 1990 census

STATE-TRIBAL RELATIONS

In 1951, the Montana Legislature created the position of Coordinator of Indian Affairs in recognition of the need to provide a way for American Indians to communicate with state government. The coordinator serves as a spokesperson for Indian tribes and actively assists them in their efforts to work with state agencies.

The coordinator is appointed by the Governor from a list a five qualified Indian applicants agreed upon by the tribal councils of the Indian tribes of the state. The coordinator serves on numerous advisory councils in order to represent Indians in those areas in which representation is needed. The coordinator also works with state agencies involved in state-tribal negotiations on issues such as tax-sharing agreements and gaming compacts.

In recognition of the need to provide a way for Indians to communicate their needs and concerns to the Legislature, the Legislature established the Committee on Indian Affairs. The Committee was first established in the late 1970s as a temporary committee to study issues of jurisdiction. The Committee was re-established by the Legislature every 2 years until 1989, when it became a permanent committee of the Legislature.

The Committee is composed of eight members, equally divided between the House of Representatives and the Senate and between political parties. The Committee works to promote better understanding between Indians and non-Indians; to encourage state-tribal and tribal-local government cooperation; to act as a liaison between the Indian people and the Legislature; and to gain insight into Indian/non-Indian relations. This handbook is an example of the kind of work undertaken by the Committee.

In 1981, in recognition of the government-to-government relationship and to promote cooperation, the Legislature enacted the State-Tribal Cooperative Agreements Act (Title 18, chapter 11, part 1, MCA) that authorizes public agencies, including cities, counties, school districts, and other agencies or departments of the state, to enter into cooperative agreements with Montana's tribal governments. To date, over 500 agreements, relating to a variety of governmental services, have been negotiated and completed.

SUMMARY

The combination of demographic data and historical facts leads us to a conclusion of sorts at the outset of this handbook: American Indians are very much a part of Montana's social fabric, political culture, and economic future. Tribal nations roamed across or settled in every region of what is now the State of Montana for hundreds and probably thousands of years.

Currently, Indians live in all 56 counties of the state, although some counties have a much higher population of Indians than do other counties.

BASIC PRINCIPLES OF STATE-TRIBAL RELATIONS

Indians are not just members of an ethnic minority group in Montana.

Most Indians are also members of distinct cultural nations with a special political and legal status that has been enshrined in the U.S. Constitution, bolstered by subsequent federal laws, and affirmed by the courts.

Tribal governments are not subordinate to state governments and are not bound by state laws.

With rare exceptions, a state has jurisdiction within a reservation only to the extent that Congress has delegated specific authority to it or in situations in which neither federal nor tribal law preempt state law.

There is always a federal dimension to consider in formal state-tribal interactions.

Tribal governments are subordinate to Congress. In many arenas of governance, including economic development, environmental regulation, and law enforcement, tribal authorities require authorization, appropriations, and approval from the Secretary of the Interior or lower-ranking officials of the Interior Department's Bureau of Indian Affairs (BIA).

Federal Indian policy is generally consistent in some aspects and remarkably inconsistent in others.

The separation of powers allows the coexistence of contrasting views and contradictory decisions. Even though every U.S. President since President Nixon has espoused self-determination as a guiding principle, Congress has both broadly encouraged self-government and in some instances prescribed in detail the manner in which tribes may use their self-governing authority. Federal and U.S. Supreme Court decisions have see-sawed between supporting and limiting the sovereignty of Indian nations.

The Indian nations of Montana are similar in some general respects, but distinct from each other in many important ways.

Although "Indian country" is a useful phrase when considering federal laws and policies applicable to all Indian nations, each nation is unique, with different priorities, values, cultural attributes, and economic circumstances. The distinctions between different Indian nations in Montana need to be considered in discussions and negotiations between the state government and tribal governments.

Government-to-government relations are the norm, not the exception.

Protocol is important. The use of proper channels demonstrates mutual respect and lends dignity to relationships that are often delicate and easily tainted by misunderstanding and the suspicion that state (or federal) bureaucrats are attempting to interfere with internal disputes of tribal government officials.

The leaders and other members of Indian nations are generally wary of state government.

Western American history is peppered with examples of coercion, massacres, broken treaties, disingenuous overtures of peace and friendship, disrespect, and attempts to assert rights and usurp powers in contravention of federal law and policy.

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DEFINITION OF "INDIAN" AND "INDIAN TRIBE"

Who is an Indian?

There is no single definition of "Indian". In attempting to define the term, it is important to keep in mind the differences between tribal membership, federal law, and ethnological status. A person may not be considered an Indian ethnologically but may qualify for certain programs or services under a federal definition or may qualify for tribal membership under tribal enrollment rules.

As a general rule, however, there are two qualifications for a person to be considered an Indian:

(1) the person has some Indian blood; and
(2) the person is recognized as an Indian by members of an Indian tribe or community.

Federal law defines "Indian" in many different ways. The Bureau of the Census defines Indians as individuals who identify themselves as Indians. The BIA generally defines an Indian as a person who:

(1) is a member of a tribe recognized by the federal government;
(2) lives on or near a reservation; and
(3) is one-quarter or more Indian ancestry.

The Indian Education Act of 1988 uses a much broader definition that encompasses people of one-eighth Indian ancestry, self-identified Indians, residents of state reservations, and urban Indians.[1]

The Indian Arts and Crafts Act of 1990 says "member of an Indian tribe, or . . . is certified as an Indian artisan by an Indian tribe".[2]

Tribes, as self-governing entities, have the power to determine tribal membership. Membership can refer to the formal enrollment on the tribal roll of a federally recognized Indian tribe or to a more informal status as a recognized member of a tribal community. Qualifications for formal membership differ from tribe to tribe. Tribal enrollment is the best evidence of a person's Indian status because it is a common prerequisite for acceptance as a member of a tribal community.

What is the correct term to use when referring to American Indians?

This question has been the subject of much debate. The preference is to use individual tribal affiliations whenever possible However, the terms "Indian", "American Indian", or "Native American" are acceptable, although the term "Native American" can properly apply to anyone born in America.

Are Indians United States citizens?

Yes. All Indians born in the United States, or born of citizens who are outside the country at the time of birth, are American citizens, with all of the attendant rights and responsibilities. Indians are also citizens of the states in which they reside. However, U.S. citizenship was not generally conferred on Indians until 1924. Before that time, some treaties or allotment acts had extended citizenship to individual Indians.

In addition, Indians are citizens or members of tribes. American citizenship is not inconsistent with tribal membership, nor does American citizenship affect the special relationship that exists between tribes and the federal government.

What is an Indian tribe?

There is no all-purpose definition of an Indian tribe. There is a legal-political identity that is determined by federal law. There is also an ethnological identity.

A general definition offered by William Canby, Jr., in American Indian Law, is "a group of Indians recognized as constituting a distinct and historically continuous political entity for at least some governmental purpose". The key word in this definition is "recognized". The most important and valuable recognition is that of the federal government.

What is meant by "federal recognition" of an Indian tribe?

Federal recognition means the existence of a special relationship between the federal government and a particular tribe that may confer specific benefits and services on that tribe as enumerated in various federal laws. Recognition also means that the recognized tribe has certain inherent rights and powers of self-government but is also subject to the broad powers that Congress has in dealing with Indian tribes.

Recognition usually comes from a treaty, statute, or executive or administrative order or from the course of dealing with a tribe as a political entity. However, federal recognition does not necessarily follow ethnological divisions. Separate ethnological tribes can be combined into one legal tribe, e.g., the Confederated Salish and Kootenai Tribes on the Flathead Reservation. Also, one ethnological tribe can be divided into separate legal tribes, e.g., the Assiniboine and Sioux Tribes at Fort Peck and the Gros Ventre and Assiniboine Tribes at Fort Belknap.

In 1978, the Department of the Interior adopted regulations creating an administrative procedure to be followed by tribes seeking acknowledgment, which is basically the same as recognition. Formal "recognition" is generally the prerogative of Congress and the President. A tribe may seek formal recognition of its status directly from Congress.

There are two essential elements for recognition or acknowledgment:

(1) a group exercises some sort of governmental authority over its members; and

(2) a group occupies a specified territory or inhabits a community viewed as distinctly Indian.

How many tribes in Montana have federal recognition?

There are seven federally recognized tribes in Montana. They are the Crow Tribe, the Northern Cheyenne Tribe, the Blackfeet Tribe, the Chippewa Cree Tribe, the Confederated Salish and Kootenai Tribes, the Assiniboine and Sioux Tribes, and the Gros Ventre and Assiniboine Tribes.

Are there any tribes in Montana not officially recognized by the federal government?

Yes, the Little Shell Band. Composed of Chippewa and Cree Indians, the Little Shell were shut out of reservations in North Dakota and Montana for various reasons. Today, the tribal members live all over Montana but have an elected tribal council and an executive officer. The Little Shell are currently in the process of seeking federal recognition from the Department of the Interior.

ENDNOTES

1. 25 U.S.C. § 2651.
2. 25 U.S.C. § 305(e).

DEFINITION OF "INDIAN COUNTRY"

What is "Indian country"?

Indian country includes:

(1) all land within the limits of an Indian reservation under the jurisdiction of the United States government;

(2) all dependent Indian communities, such as the New Mexico Pueblos; and

(3) all Indian allotments still in trust, whether they are located within reservations or not.[1]

The term includes land owned by non-Indians, as well as towns incorporated by non-Indians if they are within the boundaries of an Indian reservation.

It is generally within these areas that tribal sovereignty applies and state power is limited.

What is the difference between Indian country and an Indian reservation?

A reservation is an area of land "reserved" by or for an Indian band, village, or tribe (tribes) to live on and use. Reservations were created by treaty, by congressional legislation, or by executive order. Since 1934, the Secretary of the Interior has had the responsibility of establishing new reservations or adding land to existing reservations.

Indian country encompasses reservations.

What is the ownership status of land within Indian country?

There are three basic categories of land tenure in Indian country: **tribal trust lands, allotted trust lands, and fee lands**.

Tribal trust lands are held in trust by the United States government for the use of a tribe. The United States holds the legal title, and the tribe holds the beneficial interest. This is the largest category of Indian land. Tribal trust land is held communally by the tribe and is managed by the tribal government. Tribal members share in the enjoyment of the entire property without laying claim to individual parcels. The tribe may not convey or sell trust land without the consent of the federal government. Tribes may acquire additional land and have it placed in trust with the approval of the federal government.

Allotted trust lands are held in trust for the use of individual Indians (or their heirs). Again, the federal government holds the title, and the individual (or heirs) holds the beneficial interest.

During the assimilation period, Congress enacted the General Allotment Act of 1887, also known as the Dawes Act.[2] The ultimate purpose of the Dawes Act was to break up tribal governments, abolish the reservations, and assimilate Indians into non-Indian society as farmers. To accomplish this goal, Congress decided to divide tribal lands into individual parcels, give each tribal member a parcel, and sell the "surplus" parcels to non-Indian farmers.

The Act authorized the President to allot reservation land to individual Indians. Title to the land remained in the United States in trust for 25 years, or longer if extended by the President, then was conveyed to the Indian allottee in fee, free of all encumbrances. The trust period was intended to protect the allottee from immediate state taxation and to allow an opportunity to learn farming. Upon receiving the allotments (or after amendments in 1906 for fee title), allottees became U.S. citizens and were subject to state criminal and civil law. The Dawes Act also authorized the Secretary of the Interior to negotiate for acquisition by the United States of the so-called "excess" or "surplus" lands remaining after allotment. These "surplus" lands were to be opened to non-Indian settlement.

Although the sponsors of the Dawes Act believed that it would help Indians prosper, the effect on Indians and Indian lands was catastrophic. Most Indians did not want to abandon their culture to pursue farming. Because much of the land allotted to Indians was unsuitable for small-scale farming, Indians sold their parcels to settlers or lost land in tax foreclosure when, upon receiving a patent after 25 years, the land was subjected to state taxes.

The result was a checkerboard pattern of land ownership within many reservations that were allotted either under the Dawes Act or under other specific allotment acts, with much of the allotted land passing out of trust status and Indian ownership. While not all reservations were allotted, the effect was still devastating as the total amount of Indian-held land declined from 138 million acres in 1887 to 48 million acres in 1934 when the allotment system was abolished.

Fee lands are held by an owner, whether Indian or non-Indian.

Other lands in Indian country can be held by federal, state, or local (nontribal) governments. These lands include such areas as national wildlife refuges and state parks.

What is the ownership status of land within Montana's seven reservations?

RESERVATION	TOTAL ACREAGE	% TRUST LANDS (tribal & individual)	% FEE LANDS (non-Indian & federal & state government)
Blackfeet	1.5 million	65	35
Crow	2.3 million	68	32
Flathead	1.2 million	52	48
Fort Belknap	650,000	96	4
Fort Peck	2.1 million	44	56
Northern Cheyenne	445,000	98	2
Rocky Boy's	108,000	100	0

Source: Montana Indians: Their History and Location, Office of Public Instruction, March 1989

Were lands on Montana reservations allotted?

In most instances, yes. The only reservation that was not allotted was Rocky Boy's Reservation. The Fort Belknap and Northern Cheyenne Reservations were allotted, but the surplus lands were not put up for sale to non-Indians. The Blackfeet Allotment Act was repealed 12 years after it was passed, and the surplus lands were returned to the tribe. The Flathead Reservation was specifically allotted under the Flathead Allotment Act,[3] which has been amended more than 80 times since 1904. On those reservations that were allotted, many of the allotted lands passed out of Indian control through sale to non-Indians or through loss to taxation.

ENDNOTES

1. 18 U.S.C. § 1151.
2. 24 Stat. 388, as amended, 25 U.S.C. §§ 331 through 358.
3. 33 Stat. 302 (1904).

INTERPRETATION OF INDIAN LAW

Are the rules for interpreting Indian law different from those used to interpret other laws?

Yes. From the early 1800s, the United States Supreme Court, in numerous decisions, held that the federal government had a special **trust responsibility** with Indian tribes.[1] From this trust relationship, the Court also developed and used a unique set of rules, commonly known as **"canons of construction"**, for interpreting or construing treaties, statutes, or executive orders that affected Indian tribes and peoples.

These canons of construction acknowledged the existence of the unequal bargaining positions that existed between the federal government and the tribes during negotiations. In many cases, tribal negotiators did not speak or understand English and were, therefore, placed at a significant disadvantage during the negotiation process. Often, the federal government negotiated with individuals whom it had selected and who were not the traditional leaders of a particular tribe.

More importantly, these canons reflect a presumption, based on this federal trust responsibility, that an act of Congress was meant to protect tribes and Indian peoples. As a result, these canons assume that unless there is a "clear purpose" or an "explicit statement" to the contrary in treaties, statutes, or executive orders, Congress intended to preserve or maintain the rights of tribes.

Specifically, these canons provide that the treaties, statutes, orders, or agreements with Indian tribes are to be construed liberally in favor of Indians. If ambiguities exist, they are to be resolved in favor of Indians.[2]

Can the abrogation of tribal rights be presumed under the canons?

No. Unless Congress clearly indicates through a treaty or legislation or in an agreement that rights are extinguished or altered, it is presumed that all tribal rights are retained.[3] Congress must demonstrate a clear purpose to abrogate tribal rights.[4]

ENDNOTES

1. See, e.g., Cherokee Nation v. Georgia, 30 U.S. 1 (1831); Worcester v. Georgia, 31 U.S. 515 (1832).

2. See Cohen, Felix, Handbook of Federal Indian Law (1982), pp. 221-225 for discussion of canons.

3. Menominee Tribe v. United States, 391 U.S. 404 (1968).

4. Bryan v. Itasca County, 426 U.S. 373, 392 (1976).

TRIBAL SOVEREIGNTY AND STATE POWER

What is tribal sovereignty?

Although sovereignty is often loosely defined, it refers to the inherent right or power to govern a people and a territory. When Europeans arrived in North America, tribes conducted their own affairs and depended upon no outside authority. Both the colonial powers and later the federal government recognized the sovereign status of tribes by treating them as foreign nations and leaving them to regulate their own affairs. At the same time, Europeans also claimed dominion over all new world territories. The issue was left to the United States Supreme Court to resolve.

Chief Justice Marshall described the federal-tribal relationship as one of "domestic dependent nations" to whom the federal government had a fiduciary relationship.[1] At the same time, the Chief Justice declared:

> The Cherokee nation . . . is a distinct community . . . in which the laws of Georgia can have no force . . . but with the assent of the Cherokees themselves, or in conformity with treaties, and the acts of Congress.[2]

Through the years, however, the federal government's Indian policy has appeared somewhat schizophrenic, shifting from protection to termination in the 1950s to encouraging self-determination since the 1970s.

If the U.S. Constitution prohibits discrimination based on race, why do Indians retain special rights not held by other citizens in the United States?

The special status of Indian tribes predates the U.S. Constitution and federal law. When the United States was founded, tribes were self-governing and sovereign nations whose powers were not extinguished by the constitution. The constitution may have subjected the tribes to federal power, but it did not extinguish tribal internal sovereignty or subject them to the powers of the states.[3]

The different treatment of Indians and non-Indians is allowed because Indians are a separate political group. The United States did not enter into treaties with Indians because of their race, but rather because of their political status. Congress treats Indians and non-Indians differently because the Commerce and Treaty Clauses of the U.S. Constitution authorize Congress to do so.

Were treaties necessary to grant certain powers to Indian tribes?

No. Many mistakenly believe that a treaty contains those rights that the federal government **granted to** a tribe. As recognized by both the United States and the Montana Supreme Courts, a treaty is not a grant of rights **to** the Indians, but instead is a grant of rights **from** Indians.[4]

Indian treaties stand on essentially the same footing as treaties with foreign nations. Because they were made pursuant to the U.S. Constitution, treaties take precedence over conflicting state law because of the Supremacy Clause of the U.S. Constitution.[5]

What tribes lost with adoption of the U.S. Constitution was "external sovereignty" or the ability to interact with foreign nations. Similar to states, tribes retained sovereignty within tribal territories and retained the power of self-government with respect to their land and members.[6]

Does the United States government still make treaties with Indians?

No. Treaty negotiations with Indian tribes ended with an act of Congress in 1871.[7] However, the act did not impair or abolish existing treaty obligations. Since that time, agreements with tribes have been made by congressional acts, executive order, and executive agreements.

Can treaties with tribes be abrogated?

Yes. Congress maintains the power to unilaterally abrogate Indian treaties.[8] Because many treaties often contained language stating that they would remain in effect "as long as the grass shall grow" or similar terms, many incorrectly believe that changes in terms must be mutually negotiated by the federal government and the tribes. That is not the case. Treaties, like international treaties, are similar to federal statutes. They can be repealed or modified by later federal statutes.

Can abrogation of treaties be implied by passage of other acts?

No. The trust relationship between the federal government and Indians tribes weighs heavily against implied abrogation of treaties.[9] It must be clear that Congress considered the conflict between its intended action and a treaty and chose to resolve that conflict by abrogating the treaty.[10]

Congress's power to abrogate a treaty does not free it from the duty to compensate for the destruction of a property right. Although an abrogation itself may be effective, a tribe may have a "takings" claim under the fifth amendment.[11]

Can Montana unilaterally enact legislation affecting jurisdiction?

No. The Indian Commerce Clause of the U.S. Constitution gives Congress, not the states, plenary or absolute authority over Indian tribes. Only Congress can repeal treaties, eliminate reservations, or grant the states jurisdiction over Indians on reservations. The actions of the federal government are controlled by the rights guaranteed through the Bill of Rights and the 14th amendment to the U.S. Constitution. A state only has the power over Indian affairs within Indian country that Congress specifically grants it. A state only has power in Indian country if Congress has delegated power to it or if the exercise of state authority is not preempted.

ENDNOTES

1. Cherokee Nation v. Georgia, 30 U.S. 1 (1831).

2. Worcester v. Georgia, 31 U.S. 515 (1832).

3. The United States Constitution recognizes the unique status of Indian tribes in Article I, § 8, commonly referred to as the "Indian commerce clause", which grants Congress authority "*[t]o regulate commerce with* foreign nations, and among the several states, and with *the Indians tribes*". (emphasis added)

4. United States v. Winans, 198 U.S. 371 (1905); State v. McClure, 127 Mont. 534, 268 P.2d 629 (1954); State ex rel. Greely v. Confederated Salish and Kootenai Tribes, 219 Mont. 76, 712 P.2d 754 (1985).

5. United States Constitution, Article VI, § 2; Worcester v. Georgia, 31 U.S. 515 (1832). Treaties are the supreme law of the land and are superior to any conflicting laws of a state, including the police powers of a state. U.S. v. Forty-Three Gallons of Whiskey, 108 U.S. 491 (1883); State v. McClure, 127 Mont. 534, 268 P.2d 629 (1954).

6. See Worcester v. Georgia, 31 U.S. 515 (1832).

7. In 1871, Congress passed a rider to an Indian appropriations act, providing: "No Indian nation or tribe ... shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty...." 25 U.S.C.A. § 71.

8. United States v. Winans, 198 U.S. 371, 380-381 (1905).

9. Menominee Tribe v. United States, 391 U.S. 404 (1968).

10. United States v. Dion, 476 U.S. 734, 738-740 (1986); see also Seneca Nation of Indians v. Brucker, 262 F.2d 27 (D.C. Cir. 1958), cert. denied, 360 U.S. 909 (1959).

11. United States v. Sioux Nation of Indians, 448 U.S. 371 (1980); but cf, Tee-Hit-Ton Indians v. United States, 348 U.S. 272 (1955), in which the Court held that rights based solely on aboriginal title are not compensable. The Court explicitly distinguished property rights based solely on aboriginal rights, which are not compensable, from treaty rights based on congressional acts, which are compensable. Id. at 277-278, 288-289; see also United States v. Creek Nation, 295 U.S. 103 (1935).

PUBLIC LAW 83 - 280

What is Public Law 83-280?

The years between 1953 and 1968 were known as the "termination" era in federal-tribal relations. During this period, Congress's goal was to assimilate Indians into the white culture and reduce the federal government's assistance to Indians.

During this time and in response to a perceived need to strengthen law enforcement on some Indian reservations, Congress enacted **Public Law 83-280**, commonly referred to as P.L. 280.[1] The act mandated that, initially, five states assume criminal and civil jurisdiction over most of the reservation lands within their borders.[2] Alaska became the sixth mandatory state in 1958. Reservations that were considered to have well-functioning law enforcement in these six states were exempted from P.L. 280. **Montana was not included in the "mandatory" states**.

Public Law 280 also authorized the other 44 states, at their option, to assume the same jurisdiction that mandatory states had received.[3] Of the 44 "optional states", only 10 took steps to assume jurisdiction under P.L. 280.

Has P.L. 280 been amended?

Yes. Between 1953 and 1968, states were allowed to assume jurisdiction unilaterally. Most tribes strongly opposed P.L. 280 when passed because they feared that optional states could increase their jurisdiction at will. In response to these tribal concerns, Congress amended P.L. 280 in 1968 to place a tribal consent requirement in the law and to authorize the United States to accept a "retrocession" or the return of jurisdiction acquired by a state under P.L. 280.

Did Montana participate in P.L. 280?

Yes. In 1963, the Montana Legislature passed legislation that allowed the state to assume "280" jurisdiction over tribal members on the Flathead Reservation.[4] The legislation also allowed the state to assume jurisdiction over other Indian tribes if those tribes requested it.[5] The bill also provided a method for tribes to withdraw their approval to P.L. 280 jurisdiction.[6]

Did a Montana tribe consent to be subject to P.L. 280?

Yes, but only one. The Confederated Salish and Kootenai Tribes of the Flathead Reservation supported the legislation enacted in 1963. In 1965, the tribes enacted a tribal ordinance defining the scope and terms under which the tribes agreed to come under P.L. 280 jurisdiction.[7] The Governor of Montana then issued a proclamation providing for state assumption of jurisdiction as defined in the tribal ordinance.[8]

In 1993, at the request of the Confederated Salish and Kootenai Tribes, the Legislature enacted Senate Bill No. 368 that allowed for **partial retrocession** from P.L. 280.[9]

In September of 1994, the tribes entered into a memorandum of agreement, pursuant to the State-Tribal Cooperative Agreements Act, with the State of Montana; Flathead, Lake, Missoula, and Sanders Counties; and the cities of Hot Springs, Ronan, and St. Ignatius to implement Senate Bill No. 368, allowing the tribes to reassume **exclusive jurisdiction over misdemeanor crimes committed by Indians** and providing for continued **concurrent state-tribal jurisdiction over felony crimes committed by Indians**. The tribes' resolution to withdraw from P.L. 280 provides for cooperation between state, tribal, and local law enforcement agencies and includes language allowing continued state misdemeanor criminal jurisdiction in limited areas, such as a guilty plea entered in state court, pursuant to a plea bargain agreement that reduces a felony crime to a misdemeanor, or in the case of a conviction in state court on a lessor included offense in a felony trial. For felonies committed by Indians, both the state and tribes retain concurrent jurisdiction, but either may transfer prosecution to the other if consideration of the factors specifically outlined in the agreement warrants transfer.

Montana's other six tribal governments have never been, and are not presently, subject to P.L. 280.

ENDNOTES

1. Public Law 280, 67 State. 588 (1953).

2. The "mandatory" states include **all Indian country in California and Nebraska**; all Indian country in **Minnesota, except the Red Lake Reservation**; all Indian country in **Oregon, except the Warm Springs Reservation**; and all Indian country in **Wisconsin, except the Menominee Reservation.**

3. Ten option states accepted jurisdiction under P.L. 280. Only Florida accepted the full jurisdiction given mandatory states. The other nine, including Montana, undertook partial jurisdiction. The 10 "optional" states included **Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, South Dakota, Utah, and Washington.**

4. House Bill No. 55, (Chapter 81, L. 1963), codified at sections 2-1-301 through 2-1-306, MCA. Section 2-1-301, MCA, provides:

> The state of Montana hereby obligates and binds itself to assume, as herein provided, criminal jurisdiction over Indians and Indian territory of the Flathead Indian reservation and country within the state in accordance with the consent of the United States given by the act of August 15, 1953 (Public Law 280, 83rd congress, 1st session).

5. Section 2-1-302, MCA, provides:

> (1) Whenever the governor of this state receives from the tribal council or other governing body of the Confederated Salish and Kootenai Indian tribes or any other community, band, or group of Indians in this state, **a resolution expressing its desire that its people and lands be subject to the criminal or civil jurisdiction, or both, of the state to the extent authorized by federal law and regulation, he shall issue within 60 days a proclamation to the effect** that such jurisdiction applies to those Indians and their territory or reservation in accordance with the provisions of this part.
>
> (2) The governor may not issue the proclamation until the resolution has been approved in the manner provided for by the charter, constitution, or other fundamental law of the tribe or tribes, if said document provides for such approval, and there has been first obtained the consent of the board of county commissioners of each county which encompasses any portion of the reservation of such tribe or tribes. (emphasis added)

6. Prior to 1993, section 2-1-306, MCA, provided:

> Any Indian tribe, community, band, or group of Indians that may consent to come within the provisions of this part may within 2 years from the date of the governor's proclamation withdraw their consent to be subject to the criminal and/or civil jurisdiction of the state of Montana, by appropriate resolution, and within 60 days after receipt of such resolution, the governor shall issue a proclamation to that effect.

7. Ordinance 40-A (revised) was enacted by the Tribal Council of the Confederated Salish and Kootenai Tribes in 1965. The ordinance authorized the state to assume concurrent jurisdiction over tribal members for all criminal laws and eight areas of civil law: compulsory school attendance; public welfare; insanity; care of the infirm, aged, and afflicted; juvenile delinquency and youth rehabilitation; adoption (with tribal court approval); abandoned, dependent, neglected, orphaned, or abused children; and operation of motor vehicles on public roads.

8. The proclamation states: "By the power vested in me, as Governor of the State of Montana, I, Tim Babcock, hereby proclaim that criminal and civil jurisdiction of the State of Montana and its subdivisions does extend to The Confederated Salish and Kootenai Tribes as expressed in their approved Ordinance No. 40-A (Revised), and I further declare that sixty days from the date of October 8, 1965, such criminal and civil jurisdiction as previously described shall be in full force and effect."

9. In 1993, section 2-1-306, MCA, was amended to provide:

> (1) No sooner than 6 months after April 24, 1993, and after consulting with local government officials concerning implementation, the Confederated Salish and Kootenai tribes may, by tribal resolution, withdraw consent to be subject to the criminal misdemeanor jurisdiction of the state of Montana. Within 6 months after receipt of the resolution, the governor shall issue a proclamation to that effect.
>
> (2) The Confederated Salish and Kootenai tribes may, by separate resolution, withdraw consent to be subject to those areas of civil jurisdiction of the state of Montana that are delineated in tribal ordinance 40-A (revised and enacted May 5, 1965). The withdrawal is limited to those delineated areas of civil jurisdiction agreed upon in writing by the governor after consultation with the attorney general and officials of affected local governments. The tribes shall initiate this process by sending a certified letter to the governor. After consultation and execution of a written agreement between the governor and the tribes, the agreed-upon civil areas must be incorporated into a tribal resolution to be enacted by the tribes. Within 6 months after receipt of the tribal resolution, the governor shall issue a proclamation to that effect that reflects the terms of the written agreement.
>
> (3) Subsections (1) and (2) do not alter the existing jurisdiction or authority of the Confederated Salish and Kootenai tribes or the state of Montana, except as expressly provided for in subsections (1) and (2).

CIVIL JURISDICTION IN INDIAN COUNTRY

Although criminal jurisdiction is used to maintain law and order, civil jurisdiction is used to regulate matters such as taxes, domestic relations, child custody, probate, zoning, and traffic accidents.

Early in America's history, the question of jurisdiction in Indian country was answered by the United States Supreme Court in 1832 quite simply: **"State laws can have no force in Indian country without the approval of Congress."**[1] This test was simple and totally geographic.

When states continued to assert control without congressional approval, the Supreme Court developed parallel tests to determine which state laws can be enforced in Indian country without congressional consent: **the infringement test and the federal preemption test**. Additionally, a state law affecting reservation activities must be viewed against a "backdrop" of tribal sovereignty, a tribe's inherent right to be self-governing.

What is the infringement test, and how is it applied?

> In 1959, the Supreme Court modified its earlier absolute test and ruled that without congressional authority, *a state may not infringe "on the right of reservation Indians to make their own laws and be ruled by them"*.[2] This principle, commonly known as the "infringement test", protects the inherent right of tribes to be self-governing and applies in subject areas in which federal legislation is absent.
>
> Therefore, if Congress is silent on an issue, the question of which government has jurisdiction will be determined by focusing on the inherent sovereign authority and laws retained by the tribes and on whether state action has infringed on that authority.

What constitutes federal preemption, and how is it applied?

If Congress has passed legislation regulating a particular subject matter, the issue of which government has jurisdiction is determined by applying what is known as the **"preemption"** test. If a state enacts legislation to regulate a matter that is already heavily regulated by the federal government, the court will evaluate or "balance" the interests of the state against the federal and tribal interests and make a **"particularized inquiry into the nature of the state, federal and tribal interests at stake"**.[3] Because the test is very fact specific, results can vary from state to state and issue to issue.[4]

How have the courts defined the civil adjudicatory authority of tribes?

In Indian law cases, one must first determine which court, state or tribal, has the authority to "adjudicate" or decide the particular matter. The United States Supreme Court and the Montana Supreme Court have both stated that **civil jurisdiction over the activities of non-Indians on reservations presumptively lies in tribal court unless limited by Congress.**[5] In a case involving a Montana tribe, the United States Supreme Court ruled that petitioners must first exhaust tribal court remedies before the federal courts can entertain a challenge to tribal court jurisdiction.[6] The Court provided:

> [T]he existence and extent of a tribal court's jurisdiction will require a careful examination of tribal sovereignty, the extent to which that sovereignty has been altered, divested, or diminished, as well as a detailed study of relevant statutes, Executive Branch policy as embodied in treaties and elsewhere, and administrative or judicial decisions.
>
> We believe that examination should be conducted in the first instance in the Tribal Court itself. Our cases have often recognized that Congress is committed to a policy of supporting tribal self-government and self-determination. That policy favors a rule that will provide the forum whose jurisdiction is being challenged the first opportunity to evaluate the factual and legal bases for the challenge. Moreover the orderly administration of justice in the federal court will be served by allowing a full record to be developed in the Tribal Court before either the merits or any question concerning appropriate relief is addressed The risks of the kind of "procedural nightmare" that has allegedly developed in this case will be minimized if the federal court stays its hand until after the Tribal Court has had a full

opportunity to determine its own jurisdiction and to rectify any errors it may have made. Exhaustion of tribal court remedies, moreover, will encourage tribal courts to explain to the parties the precise basis for accepting jurisdiction, and will also provide other courts with the benefit of their expertise in such matters in the event of further judicial review.[7]

May a non-Indian avoid tribal court by taking a civil complaint directly to federal court?

No. Although the question of whether a tribe has the power to compel a non-Indian to submit to the civil jurisdiction of the tribal court is a "federal question", courts have consistently held that a non-Indian must first exhaust tribal court remedies.[8] Once tribal court remedies have been exhausted, a defendant may ask for review in federal court. Courts believe that this exhaustion policy supports Congress's commitment to tribal self-determination and encourages tribal courts to explain to parties the precise basis for accepting jurisdiction.

The United States Supreme Court has defined three exceptions to this exhaustion requirement:

(1) when the assertion of tribal jurisdiction is motivated by a desire to harass or is conducted in bad faith;

(2) when the tribal action is patently violative of express jurisdictional prohibitions; or

(3) when exhaustion would be futile because of the lack of an adequate opportunity to challenge the court's jurisdiction.

However, federal court review will involve only a review of the tribal court's determination of jurisdiction.

What is civil regulatory jurisdiction?

Governments regulate conduct through zoning, licensing, taxation, or other methods. Unless limited by Congress, a tribe has exclusive regulatory jurisdiction over its members and over land held in trust.

Does a tribe have exclusive regulatory jurisdiction over all people and land within the boundaries of a reservation?

No. The United States Supreme Court has applied the infringement-preemption tests to hold that:

(1) a tribe may regulate the actions of **non-Indians** who enter consensual relations with the tribe or its members;[9]

(2) a tribe may regulate the conduct of **non-Indians** on **fee** land within its reservation when the conduct threatens or has some direct effect on the political integrity, the economic security, or the health and welfare of the tribe;[10]

(3) a state may regulate **non-Indians** and **lands held by non-Indians on reservations** unless the regulation is prohibited by federal law or the federal regulatory scheme, including tribal regulations, is so pervasive that it leaves no room for state regulation or unless the exercise of state jurisdiction, in the absence of federal law, interferes with the right of the tribe to govern itself.[11]

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ENDNOTES

1. Worcester v. Georgia, 31 U.S. 515, 561 (1832).

2. Williams v. Lee, 358 U.S. 217, 220 (1959).

3. White Mountain Apache Tribe v. Bracker, 448 U.S. 136 (1980). Montana has applied its own test that appears to combine and require application of both the infringement and preemption tests. The Montana test used to determine whether the state has jurisdiction over reservation Indians requires a court to determine whether:

> (1) the assertion of subject matter jurisdiction by Montana's administrative and judicial tribunals is preempted by federal law; and
> (2) the assertion of subject matter jurisdiction by Montana's administrative and judicial tribunals would unlawfully infringe on [a tribe's] right to make its own laws and be ruled by them. See First, Jr. State ex rel. LaRoche, 247 Mont. 465, 470, 808 P.2d 467 (1991).

4. The Court can, and has, changed its mind on issues. In 1988, Montana's tax on coal produced on the Crow Reservation was invalidated because, among other things, the Court believed that a state would interfere with the tribe's taxing authority and, if taxes were imposed by both governments, would interfere with federal policies supporting tribal self-sufficiency and economic development. See Crow Tribe of Indians v. Montana, 819 F.2d 895 (9th Cir. 1987), aff'd, 484 U.S. 997 (1988). In 1989, however, the Court allowed New Mexico to impose a severance tax on oil and gas although the tribe was already taxing the same resource production. In Cotton Petroleum Corp. v. New Mexico, 490 U.S. 163 (1989), the Court stated that no proof existed that double taxation rendered the resource unmarketable, nor was federal regulation so comprehensive as to preempt the state's tax. See also Burlington Northern R.R. Co. v. Blackfeet Tribe, 924 F.2d 899 (9th Cir. 1991), cert. denied, 112 S. Ct. 204 (1991), in which the Court ruled that sustaining a tribal tax that creates double taxation may be unfair but legal.

5. Iowa Mutual Insurance Co. v. LaPlante, 480 U.S. 9, 18 (1987); Milbank Mutual Insurance Co. v. Eagleman, 218 Mont. 58, 705 P.2d 1117, 1120 (1985).

6. National Farmers Union Insurance Co. v. Crow Tribe of Indians, 471 U.S. 845 (1985).

7. National Farmers Union at 856-857.

8. National Farmers Union.

9. Morris v. Hitchcock, 194 U.S. 384 (1904).

10. Montana v. United States, 450 U.S. 544, 565 (1981). However, see Brendale v. Confederated Tribes and Bands of Yakima Indian Nation, 492 U.S. 408 (1989), in which the Court ruled that the Yakima Nation's zoning of non-Indian owned fee land within a substantially checkerboarded area of the reservation is impermissible. Tribal zoning was upheld when there was little non-Indian ownership and when lands were important to the tribe's culture and natural resources.

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11. New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983).

CRIMINAL JURISDICTION IN INDIAN COUNTRY

Every government exercises a power, called criminal jurisdiction, to prohibit certain behavior within its borders by enacting criminal laws and by punishing those persons who violate them. Criminal jurisdiction in Indian country is complex. There is not an Indian reservation in the United States in which the federal, state, and tribal governments can simultaneously exercise their full criminal jurisdiction.

How does one determine whether the federal, state, or tribal government has jurisdiction to prosecute and punish crimes committed in Indian country in Montana?

The answer to this question depends on a number of factors, including:

(1) the location of the crime;

(2) the type of law violated; and

(3) whether the victim or perpetrator was an Indian or non-Indian.

What federal statutes determine criminal jurisdiction in Indian country?

(1) the General Crimes Act;

(2) the Assimilative Crimes Act;

(3) the Major Crimes Act; and

(4) Public Law 83-280.

General Crimes Act (often called the Federal Enclaves Act):

Under federal law, there are criminal offenses, such as an assault on a federal officer, that are applied nationally without regard to the location of the offense. The federal government has exclusive jurisdiction over these crimes, whether they occur in Indian country or elsewhere. In addition to these crimes of nationwide application, federal criminal law contains references to crimes that apply to those areas under the sole and exclusive jurisdiction of the United States government. These areas are known as "**federal enclaves**" and initially included military installations and national parks.

In 1817, Congress enacted a jurisdictional statute, the **General Crimes Act,**[1] which was also known as the Federal Enclaves Act, **providing that with certain exceptions, federal criminal laws apply in Indian country to the same extent that they apply in other federal enclaves**. The Act was originally passed to permit punishment of all crimes committed by non-Indians in Indian territory, as well as some crimes committed by Indians against non-Indians. Such crimes, at the time, were assumed to be beyond the reach of state or tribal law. Today, the Act's primary function is to provide for prosecution of crimes by non-Indians against Indians and of nonmajor crimes by Indians against non-Indians.

In 1825, Congress enacted a second jurisdictional statute known as the **Assimilative Crimes Act**[2] that **provided that state criminal laws not otherwise included in the federal criminal code were incorporated into federal law by reference and made applicable to federal enclaves.** A violator of the Assimilative Crimes Act is charged with a federal offense and is tried in federal court, but the crime is defined and the sentence is prescribed by state law.

Does the Assimilative Crimes Act apply to Indian country?

Yes. In 1946, the U.S. Supreme Court ruled that the Assimilative Crimes Act applies in Indian country.[3] Under this ruling, the criminal laws applicable to Indian country and subject to federal jurisdiction include both federal enclaves crimes and state crimes not otherwise included in the federal criminal code. The Assimilative Crimes Act is relevant because it is one of the general laws of the United States that is extended to Indian country by the General Crimes Act.

Are there any exceptions to the General Crimes and Assimilative Crimes Acts?

Yes. The scope of the General Crimes Act and the Assimilative Crimes Act is limited by two statutory exceptions and one judicially created exception. The exemptions include:

(1) offenses committed by one Indian against the person or property of another Indian;

(2) offenses over which criminal jurisdiction has been conferred on a particular tribe by treaty; and

(3) according to Supreme Court cases,[4] crimes committed in Indian country by a non-Indian against another non-Indian.

The General Crimes Act extends only to crimes in which an Indian is involved as either a defendant or a victim.

Major Crimes Act:

In 1885, Congress's policy of not asserting federal criminal jurisdiction over Indian versus Indian crimes was reversed by passage of the Major Crimes Act.[5] The Act came in response to an 1883 Supreme Court ruling[6] in which the Court had ordered federal officials to release an Indian who had murdered another Indian because the government did not have jurisdiction over reservation crimes committed by one Indian against another.

Congress reacted to this decision by passing the Major Crimes Act, which gave the federal government jurisdiction over seven major crimes when committed by an Indian against the person or property of any other person in Indian country. The Major Crimes Act has been amended several times and now covers more than a dozen crimes. **Unlike the General Crimes Act, the Major Crimes Act applies only to Indians.** Today, the Major Crimes Act is the primary federal jurisdictional statute for major offenses committed by Indians in Indian country.

Public Law 83-280:

Public Law 83-280[7] was passed by Congress in 1953. A product of the "termination" era, P.L. 280 gave six states mandatory and substantial criminal and civil jurisdiction over Indian country within their borders. In these states, P.L 280 gave the states the same power to enforce their regular criminal laws inside Indian country that they had always exercised outside it. State law supplanted federal law. The General Crimes Act and the Major Crimes Act no longer applied. Other states, including Montana, were given the option to acquire similar jurisdiction in Indian country, and tribal approval was not required until 1968.

From the outset, P.L. 280 was criticized by tribes and states. States resented being directed to provide law enforcement services with no federal assistance, and tribes resented state jurisdiction being forced upon them without their consent. This joint dissent led to amendments to P.L. 280, which now requires tribal approval and provides a process for states to "retrocede" or transfer back jurisdiction to the federal government. In Montana, only one reservation, the Flathead, was affected by P.L. 280. (See chapter on Public Law 83-280 for discussion of the law in Montana.)

Are there any limitations to a state's criminal jurisdiction under P.L. 280?

Yes. Public Law 280 contains express exceptions[8] to criminal jurisdiction to preserve the trust status of Indian property and to protect Indian treaty rights. Reservation Indians are not required to comply with state law on zoning, hunting, or fishing or to pay property taxes on trust land, and the state may not impose criminal penalties for failure to do so.[9]

Does P.L. 280 grant a state jurisdiction to impose all state law defining offenses and imposing penalties in Indian country?

No. In a 1987 decision,[10] the United State Supreme Court ruled that a state could not enforce its gambling laws on Indian land because the laws were regulatory in nature, not criminal. To determine whether a law was criminal/prohibitory or civil/regulatory, the Court stated:

> [I]f the intent of a state law is generally to prohibit certain conduct, it falls within Pub. L. 280's grant of criminal jurisdiction, but if the state law generally permits the conduct at issue, subject to regulation, it must be classified as civil/regulatory and Pub. L. 280 does not authorize its enforcement on an Indian reservation. The shorthand test is whether the conduct at issue violates the state's public policy.[11]

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Does a tribe have criminal jurisdiction over a non-Indian committing a crime in Indian country?

No. Until 1978, it was believed that a tribe retained sovereign powers unless those powers were specifically removed by Congress or relinquished by treaty. In a 1978 decision,[12] the United State Supreme Court ruled that powers not implicitly removed as a result of an Indian tribe being incorporated within the United States do not exist unless delegated to tribes by Congress. Absent congressional authority, the Court ruled that tribes may not exercise criminal jurisdiction over crimes committed against Indians on Indian land by non-Indians. Jurisdiction over these crimes on six reservations in Montana resides with the federal government or, on the Flathead Reservation because of P.L. 280, with the state.

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Guidelines for Criminal Jurisdiction

		Jurisdiction	
Location of Crime	Federal	State	Tribal
1. Outside Indian Country (Indian defendant)			
A. Federal law involved	Yes	No	No
B. State law involved	No	Yes	No
C. Tribal law involved	No	No	#Maybe
2. Inside Indian Country (Indian defendant) P.L. 280 state	No	Yes	No
3. Inside Indian Country No P.L. 280 state			
A. Crimes by I vs. I			
1. Major Crimes Act	Yes	No	No*
2. Other crimes	No	No	Yes
B. Crimes by I vs. NI			
1. Major Crimes Act	Yes	No	No*
2. General Crimes Act	Yes	No	Yes**
3. Assimilative Crimes Act	Yes	No	Yes
C. Crimes by NI vs. I			
1. General Crimes Act	Yes	No	No
2. Assimilative Crimes Act	Yes	No	No
D. Crimes by NI vs. NI	No	Yes	No
E. Victimless/Consensual Crimes			
1. Crimes by I	No	No	Yes
2. Crimes by NI		Yes***	
a. General Crimes Act	Yes	Yes*	No
b. Assimilative Crimes Act	Yes	Yes*	No

# If tribal member involved.

* Law is unsettled in this area.

** If prior punishment by tribal court or if tribal jurisdiction is established by treaty or statute, federal jurisdiction under General Crimes Act is withheld.

*** Some statutes permit concurrent jurisdiction.

Source: American Indians Today, Utter, 1993, p. 157

ENDNOTES

1. 18 U.S. § 1152 provides: "Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country."

2. 18 U.S.C. § 13 provides: "(a) Whoever within [the special maritime and territorial jurisdiction of the United States] is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force and at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment".

3. Williams v. United States, 327 U.S. 711 (1946).

4. United States v. McBratney, 104 U.S. 621 (1881); Draper v. United States, 164 U.S. 240 (1896); New York ex rel. Ray v. Martin, 326 U.S. 496 (1946).

5. 18 U.S.C. § 1153 provides: "(a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, **murder, manslaughter, kidnapping, maiming, [felonious sexual molestation of a minor], a felony under chapter 109A, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery, and a felony under section 661 of this title** within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States".

6. Ex Parte Crow Dog, 109 U.S. 556 (1883). In Crow Dog, the Supreme Court ruled that federal courts lacked jurisdiction to prosecute an Indian who had already been punished by the tribe for killing another Indian. The punishment given by the tribe, restitution to the victim's family, was viewed by many non-Indians as an insufficient punishment for the crime of murder. Congress responded by granting the federal courts jurisdiction for violent crimes committed on Indian reservations.

7. 18 U.S.C. § 1162; 28 U.S.C. § 1360. The states required to assume criminal jurisdiction over Indian reservations within their boundaries were Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin. Public Law 280 also authorized other states to assume criminal jurisdiction over Indian lands at their discretion. Originally, P.L. 280 did not require tribal consent for a state to assume jurisdiction. In 1968, the law was amended to require tribal consent to future state decisions to assume jurisdiction.

8. 18 U.S.C. § 1162(a); 28 U.S.C. § 1360(b) provides: "Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner

inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto ...".

9. Santa Rosa Band of Indians v. Kings County, 532 F.2d 655 (9th Cir. 1975), cert. denied, 429 U.S. 1038 (1977).

10. California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987). This case ultimately led to Congress's enactment of the Indian Gaming Regulatory Act (IGRA) of 1988, 25 U.S.C. §§ 2701 through 2721, which provides a federal regulatory scheme to govern various forms of gaming on Indian reservations.

11. Cabazon at 209.

12. Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978).

TRIBAL GOVERNANCE

How do Indian tribes govern themselves?

Most tribal governments are organized in much the same way as state and local governments. Legislative authority is vested in an elected body often referred to as a tribal council, although it can be known by other names, such as business committee or executive board. The council members can be elected either by district or at large. In some instances, the members are nominated by district but are elected at large. The council governs the internal affairs of the tribe with one important exception. Many tribal resolutions and ordinances may be subject to review by the Secretary of the Interior. In some instances, the Secretary may have veto power over tribal ordinances.

Executive authority is exercised by a presiding officer often called a tribal chairman. The chairman can be elected either at large or by the members of the council. The duties of the chairman are often not spelled out in the tribal constitution or bylaws. Therefore, the role of the chairman often depends on the governing structure of the tribe.

Tribal governments also have a court system. The system can vary from a highly structured system with tribal prosecutors and tribal defenders and an appellate system to a simpler judicial system that operates on a part-time basis. Tribal judges can be popularly elected or appointed by the tribal council. Tribal judges generally are not attorneys, but some tribes require preparation for office by administering judicial qualification examinations; tribal court judges all receive judicial training while in office. Tribal governments often do not have the "separation of powers" that calls for an independent judiciary. How independent a tribal court is from a tribal council depends on the method of selecting judges, council tradition, and the character of the individual judge. In many ways, this is similar to the federal judiciary that also relies upon appointed rather than elected judges.

Are modern tribal governments based on traditional governance structures of the Indian tribes?

No. Most modern tribal governmental structures have their origin in the Indian Reorganization Act (IRA) of 1934 (25 U.S.C. § 476). Prior to the arrival of the Europeans, tribal governments varied from the highly complex, as represented by the Iroquois League, to the less formal, as represented by the tribes of the Great Basin deserts. However, within this range of complexity were certain common characteristics: the integration of the political with the religious; the importance of the tribe over the individual; and consensus decisionmaking.

With displacement and the confinement of tribes on reservations and the establishment of the Indian agent system by the federal government, traditional tribal governing structures were forcibly suppressed. In 1934, the federal government passed the IRA in an attempt to re-establish tribal self-government, but basing it on a western European model. The BIA drew up a standard constitution that established a representative form of government that tribes were free to adopt and that almost three-fourths of the tribes did adopt, with limited expressions of historic tribal governing principles. Tribes that adopted IRA constitutions have revised them over the years to reflect individual tribal concerns and to exercise greater tribal autonomy. However, the constitutions still retain many of the original provisions.

One result of the IRA was the creation of a single tribal government for more than one Indian tribe. This occurred because in some instances, the federal government had placed more than one tribe on a single reservation. In Montana, an example is the placement of the Assiniboine and the Sioux together on the Fort Peck Reservation. The IRA did not allow for separate governments for each tribe. In order to retain some cultural identity, some tribal governments have made constitutional provisions for elected representatives of each tribe to serve on the tribal council. The Fort Belknap Tribes go one step further by requiring the candidates for chairman and vice chairman to run as a team, with one being a Gros Ventre and the other an Assiniboine.

Are there any tribes that did not reorganize under the IRA?

Yes. Approximately 30% of the tribes in the United States chose not to come under the IRA. The most notable exceptions are the Navajos and the Pueblos. In Montana, the Crow Tribe rejected the IRA in favor of a general council form of government, in which each enrolled tribal member has a vote if the member attends the general council meeting. The general council elects the tribal officers who are responsible for the day-to-day operations of the tribal government. The Fort Peck Tribes also rejected the IRA and operated with a general council form of government until 1960 when a representative tribal council was established.

What types of activities do tribal governments engage in today?

Tribal governments engage in a number of activities that relate to the governance of reservation affairs. These activities include: defining conditions of membership; regulating domestic relations of members; prescribing rules of inheritance for reservation property not in trust status; levying taxes; regulating property under tribal jurisdiction; controlling conduct of members by tribal ordinance; administering justice; conducting elections; developing tribal health and education programs; managing tribal economic enterprises; managing natural resources; enacting environmental protection; and maintaining intergovernmental relations at the federal, state, and local levels.

ECONOMIC DEVELOPMENT

The 1990 census data shows that American Indians are the most poverty-stricken group in the United States. Three of the 10 poorest counties in the country are within Indian reservations. Of the five counties with the highest unemployment rates in Montana, three are part of Indian country. Annual unemployment rates range from 40% on the Flathead Reservation to nearly 70% on the Rocky Boy's Reservation.

Each of the seven reservations has different material bases for future wealth. The Crow Reservation has millions of tons of strippable, low-sulphur coal, as well as abundant acreage of good rangeland. The neighboring Northern Cheyenne Reservation also has large coal reserves in addition to some valuable timber. The Blackfeet Reservation is mostly rangeland, but there are oil and gas deposits along the Rocky Mountain Front, as well as valuable water resources and good potential for wind-generated energy. While the Fort Peck Reservation consists of mostly agricultural land, some of which is irrigated, the reservation also has good oil and gas deposits. Like Fort Peck, Fort Belknap also has irrigated agricultural land, and though there is a huge gold mine just outside the reservation boundary and quantities of hard-rock minerals in the mountains, the benefits to people on the reservation are limited. The Rocky Boy's Reservation is the smallest in the state; its resource base is meager. The Flathead Reservation enjoys the greatest diversity of resources. The potential for tourism and gaming around Flathead Lake is almost incalculable. The water resources of Indian nations in Montana are considerable and may play key roles in the future development of reservation-based and regional economies.

How do Indians earn a living in Montana?

Montana Indians are engaged in much the same variety of occupations as are non-Indians in other mostly rural communities around the state. Government is the chief employer on most Indian reservations. Federal and tribal agencies hire Indians to staff a diversity of programs, ranging from finance to health and welfare to timber and waste management. Education also provides jobs, including administrators, teachers, and support personnel. The seven tribal colleges are important both as training and learning institutions for both Indians and non-Indians and as a locus of employment for highly educated Indians.

In the private sector, perhaps the most visible occupation in Indian country is farming and ranching and related activities, such as equipment sales, feed and fuel suppliers, and shops for the maintenance and repair of vehicles. This is a deceptive picture, however. According to the Montana Bureau of Business and Economic Research (which relied on 1990 data), about 40% of the Indian businesses in the state are in the service sector. The next largest category is retail trade (21%), followed by construction (11%), manufacturing (7%), transportation (6%), and agriculture (5%).[1]

Arts and crafts is a growth industry in Indian country as a subset of tourism and in its own right. There is some controversy over what constitutes authentic Indian art. In response, Congress passed the Indian Arts and Crafts Act of 1990.[2] Title 30, chapter 14, part 6, of the Montana Code Annotated concerns the sale of imitation Indian art. The statutes require a registered trademark or a label authenticating Indian origin.

Indians also receive income from various types of tribal resources, such as per capita disbursements based on tribal resource royalties, tribal government investments, various trust accounts, and treaty settlements.

There is some manufacturing. The Montana Indian Manufacturing Network (MIMN) is funded by the Northwest Area Foundation, assisted by the Montana United Indian Association and Eastern Montana College (now MSU-Billings) with organizational development. One of the attractive aspects of the MIMN is that companies doing business on an Indian reservation are relieved of a long list of taxes, depending on the degree of tribal participation. The MIMN was formed to use existing manufacturing capabilities on a cooperative basis.

Members of the MIMN are the Blackfeet Indian Writing Company in Browning; the Northern Cheyenne Industries in Lame Deer; ISC Distributors in Bozeman; Fort Belknap Industries, Inc.; Great Divide Manufacturing Company in Wolf Point; A&S Tribal Industries (ASTI) in Poplar; West Electronics, Inc., in Poplar; Rocky Boy's Manufacturing, Inc., in Box Elder; and S&K Electronics in Pablo.

In August of 1994, the Fort Peck Tribes declared the reservation an economic disaster zone after sharp cutbacks at ASTI reduced the full-time workforce from a high of 500 employees during Desert Storm to 5 employees. This misfortune points to the vulnerability of manufacturing enterprises that are wholly dependent on federal contracts. The decrease in defense spending forced ASTI to lay off over 75% of its workers in 1993. The Rocky Boy's enterprise is reportedly on the verge of shutting down completely. S&K Electronics in Pablo has one private sector arrangement to produce medical bags and is certified as a minority contractor under a United States Small Business Administration program. The members of MIMN recognize that all are in need of commercial marketing expertise and private capital to reduce their reliance on federal contracts.

Why are unemployment rates so high and incomes so low on the Indian reservations in Montana?

Conditions on Indian reservations are similar to those in developing countries. The lack of certain key resources, such as financial capital, leads to shortages of other resources, such as adequate water and sewer systems. Disincentives for capital investment include out-migration of educated workers, the underdeveloped infrastructure, a disadvantaged labor force, the inability to use land assets as collateral, and vulnerability to double taxation.

Poverty begets poverty. Wage levels are low; manufacturing jobs pay only $5 to $7 an hour. Tribal members suffer from relatively low levels of education and training. There is an absence of finance capital (only one Indian bank) in Montana's Indian country. Because most land is held in trust, a lack of collateral makes it difficult for tribes and individual tribal members to obtain business loans. The downsizing of federal defense contracts has reduced the demand for Indian manufactured products. Substandard water and sanitation, transportation and communication, and housing make it difficult to attract and retain business investors.

What are some of the major barriers to economic development on Indian reservations?

There are a number of barriers that prevent tribes and tribal members from developing viable economic activities on Indian reservations, including the following:

- requirement of federal approval for land sales and encumbrances, such as mortgages;
- jurisdictional complexity;
- complicated, checkerboard patterns of land ownership;
- underdeveloped infrastructure;
- perception among investors that Indian country is politically volatile;
- vulnerability of firms to double taxation (state and tribal) of operations on Indian reservations;
- reluctance of some outside business interests to invest in Indian country when conventional remedies for breach of contract may not always be obtainable.

Aren't there a host of federal aid programs designed to boost economic development on Indian reservations?

There are some programs, but they are limited in scope and magnitude. The BIA administers a number of financial assistance programs for economic development projects. The Indian Revolving Loan Fund will lend up to $350,000 per project to economic enterprises that will contribute to an Indian reservation's economy. The Indian Loan Guarantee Fund provides loan guaranties for tribes and individual Indians for any purpose consistent with Indian economic development, including loans for educational purposes. The Indian Business Development Grant program provides seed capital for profit-making businesses on or near reservations. In addition to financial assistance, the BIA operates business promotion and technical assistance programs that publicize investment potential on reservations and assist Indian businesses to get established or to expand facilities.

The Economic Development Administration (EDA) in the U.S. Department of Commerce provides grants or loans to fund public works projects, such as industrial parks, recreational facilities, and water and sewer systems. The EDA also provides planning grants to Indian organizations to develop long-range economic development plans.

The U.S. Small Business Administration administers a special certification program to assist small, minority-owned companies to grow into viable, competitive businesses. The 8(a) program, as it is known, also helps federal agencies to meet mandated minority business development goals. Program benefits include the provision of skills training, technical assistance, and limited financial aid. Indian entrepreneurs and tribally owned enterprises are both eligible to compete for contracts under this program. (Sovereign immunity must be waived.)

The U.S. Department of Transportation administers a Disadvantaged Business Enterprise (DBE) program for minority businesses that are qualified to participate in federal highway construction. The DBE program provides supportive services, such as help with marketing, business plans, financial accounting, and advertising. At the end of 1993, there were 45 Indian-owned firms certified as DBEs. (The Montana Department of Transportation maintains a directory of Indian DBEs in the state.)

Funding for most Indian aid programs has gone down in recent years. A March 1994 Congressional Research Service report found that, after taking inflation into account, funding for every major program benefiting Indian country (BIA; Office of Indian Education; and HUD's Indian housing effort) has fallen off over the past 20 years. Only the Indian Health Service has enjoyed increased funding.[3] In addition, some programs intended to benefit Indian nations do not result in appreciable gains, either because so much of the capital outlay is absorbed by administrative overhead costs or because tribal governments lack the technical expertise (or patience) to comply with heavy paperwork and recordkeeping requirements.

President Clinton's 5-year, $500 billion deficit reduction plan includes two provisions for Indian reservations: an employment tax credit and a property depreciation tax deduction. Both are aimed at attracting private industry to reservation areas. The employment tax measure provides a single-rate, 20% wage credit for the first $20,000 of qualified wages and health insurance costs paid to an Indian employee. The property depreciation feature is not likely to have much effect because Indian government enterprises are not liable for federal taxes anyway, except for personal income taxes.

If economic conditions are so bad on the reservations, why don't the people just leave and move to where the jobs are?

It is dangerous to generalize, and each individual has different reasons for deciding to stay or move on. American Indians typically have strong ties to their homeland and to their extended families. Maintaining them across great distances is difficult and expensive. This is not unlike other people in Montana whose families have inhabited the same area for generations. Many Indians feel strong attachments to the land as well as to their home communities. Also, the prospects for succeeding off the reservation are not great. Off the reservation, many Indians end up stranded without adequate income (if they have any employment at all) and no networks or other bases of support to help them struggle through rough times. Although jobs are more plentiful in the metropolitan areas of the country, there is no guaranty that relocation will reap any reward, let alone benefits that exceed the incalculable worth of being at home with friends, relatives, and legal protections in the trust relationship with the federal government.

Urban Indians face additional barriers and challenges, and they may not qualify for the benefits afforded federally recognized tribes. A mere 1% of the Indian Health Service budget is allocated to medical clinics and related facilities in urban areas. Indian families in urban areas are sometimes discriminated against in their search for affordable housing and jobs.

Is there evidence of economic success and positive potential among the Indian nations in Montana?

Yes, quite a bit. Growth in the gaming industry is the most visible example of economic success in the making, even though it is fraught with controversy and has not progressed as far in Montana as in other states with significant Indian populations.

The Inter-Tribal Bison Cooperative (ITBC) is a consortium of 32 tribes, including the Crow, Blackfeet, Confederated Salish and Kootenai, Gros Ventre and Assiniboine at Fort Belknap, and the Northern Cheyenne. The ITBC is a nonprofit cooperative funded through grants and donations. The ITBC's mission is to restore buffalo to the Indians as a means of cultural enhancement, ecological restoration, and economic development that is compatible with the cultural and spiritual beliefs and practices of the member tribes. The number of buffalo among member tribes increased from 3,000 in 1990 to over 5,000 today. The U.S. Department of Agriculture has recognized tribal buffalo programs as examples of sustainable agriculture.

The Montana Arts Council received a $25,000 Rural Development Project matching grant from the national Endowment for the Arts to use Blackfeet cultural resources as a tool for economic development. The grant will support Blackfeet crafts and cultural programming at Glacier National Park to replace nonlocal, non-Indian programs. The project is using arts and culture to renew community spirit, provide jobs, and enable more people to learn about traditional ways.

The Montana Community Foundation selected Browning to be one of three "Beacon Communities" in Montana to participate in a rural revitalization program funded by the Ford Foundation. The town will receive $350,000 over 3 years to develop a recycling center that will in turn serve as a hub for spinoff cottage industries and job training programs.

High school graduates on the Fort Belknap, Blackfeet, and Flathead Reservations have new opportunities to work at day-care centers, Head Start, alcohol rehabilitation programs, and parks maintenance jobs under Montana AmeriCorps, a federal initiative launched in September of 1994.

The main goal of the Council of Energy Resource Tribes is to improve the flow of primarily private capital to Indian nations so that they retain control of their lands and resources. The Council's Tribal Development Finance program helped capitalize the Blackfeet National Bank, the only tribally owned bank in Montana.

The Fort Peck, Blackfeet, and Crow Reservations are slated to receive federal support to develop plans for renewable and fossil fuel resources. Fort Peck was awarded a grant to study wind power potential on the reservation, the Crow a grant for a coal-fired electricity plant, and the Blackfeet a grant for an energy-management system.

What are some of the steps that tribal leaders can recommend their people take to improve the business climate in Indian country?

There are a number of different initiatives that tribal leaders can take to improve the business climate, including the following:

- Separate politics from business management decisions.
- Diversify the manufacturing base to better position the reservations in light of domestic and international market trends.
- Focus on basic education and technical training to increase the flexibility and productivity of the Indian labor force.
- Expand the land and resource base through purchases from as well as exchanges with the state and federal governments.
- With federal help (not just money), devise investment procedures consistent with the trust status.
- Communicate with non-Indian neighbors.
- Approach natural resource development and other economic activities in a holistic manner, taking into account the totality of social and cultural needs of the tribal nations.

ENDNOTES

1. Shannon H. Jahrig, "Indian Businesswoman Succeeds Despite Roadblocks," Montana Business Quarterly (Winter 1993), p. 10.

2. 25 U.S.C. §§ 305 through 305e.

3. Carol Bradley, "GOP Expected to Back More Self-Rule for Reservations," Great Falls Tribune, November 23, 1994.

EDUCATION

Who is responsible for the education of Indian students?

As United States citizens and citizens of the state in which they reside, Indian students are entitled to participate in public education programs. However, prior to their being granted citizenship, Indian students attended schools operated by the BIA. Over the years, responsibility for Indian education has shifted from the BIA to state and tribal governments. The few BIA boarding and day schools that remain provide education for Indian students with special education or social needs. The vast majority of Indian students attend state public schools.

If Indian students attend public schools but Indian trust land is exempt from property taxation, how are public school districts that encompass Indian reservations financed?

The federal government has created three programs that reimburse public school districts for the cost of educating Indian children. The Johnson-O'Malley Act (JOM)[1] provides funding for special programs that benefit Indian students, such as special language classes, home-school coordinators, teacher aides, and summer programs; use of JOM funds for the general operating expenses of a school district is severely restricted. Although JOM itself does not distinguish between on- and off-reservation Indians, the regulations give priority to programs serving Indians living on or near reservations.

The Educational Agencies Financial Aid Act,[2] often referred to as Public Law 81-874, provides funding to school districts that have large blocks of tax-exempt federal land within their boundaries. This includes military installations as well as Indian reservations. Public Law 81-874 funds are used for general operating expenses, such as textbooks, equipment, and salaries, but may not be used for construction. School construction funds for school districts in which federal installations are located are available through the School Facilities Construction Act.[3]

Are there other federal programs that benefit Indian students?

Yes. The Indian Education Act (IEA) of 1988[4] assists school districts in developing programs designed to meet the special educational and culturally related academic needs of Indian students. Grants can be used for bilingual and bicultural programs, for special health and nutrition services, for remedial instruction, for guidance and counseling services, for early childhood programs, and for special education programs benefiting disabled and gifted and talented Indian children. The Act also makes funds available for fellowships in graduate and professional programs as well as for adult education programs. Most Indian students are also eligible to participate in Title I programs created by the Elementary and Secondary Education Act (ESEA) of 1965.[5] Title I provides compensatory education programs for economically and educationally disadvantaged children, Indian and non-Indian alike.

What is the role of tribes in the area of Indian education?

On all of Montana's seven Indian reservations, education is of major importance. Each tribal government has an education department whose mission is to provide and promote quality educational opportunities for all tribal members from early childhood through adulthood. Some of the educational services provided by Montana tribes, either through federal contracts or grants or through tribal resources, include Head Start, guidance and counseling services, native language and culture programs, monetary allowances for college students, career opportunity fairs, and tribally operated colleges. The federal policy of Indian self-determination has also led to the encouragement of schools operated by tribes or by Indian organizations, rather than by the state. To foster this policy, the federal government provides financial assistance to Indians administering their own schools in much the same manner as it assists public school districts. This includes JOM, Title I of ESEA, IEA, and school construction. The federal government also assists tribal colleges through the Tribally Controlled Community College Assistance Act of 1978[6] by providing grants for the operation and improvement of these colleges.

Are there any tribally controlled schools in Montana?

Yes. There are two tribally operated, nonpublic schools accredited by the Board of Public Education: Two Eagle River on the Flathead Reservation and the Northern Cheyenne Tribal Schools located at Busby on the Northern Cheyenne Reservation.

Are there any tribally controlled colleges?

Across the nation, there is a total of 29 tribally controlled colleges located in Indian country. Of this group, **Montana is unique because it is the only state with a tribally controlled college located on each reservation.**[7] These colleges are similar to community colleges in that they offer 2-year associate degrees in a number of areas and serve both Indian and non-Indian students. However, Salish Kootenai College has recently started offering baccalaureate degrees in a limited number of areas.

What does the State of Montana do to foster Indian education?

Article X, section 1, of the Montana Constitution states:

> (2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.

The state has implemented a number of policies designed to address this commitment. School districts with a significant Indian enrollment may require certified personnel to take instruction in American Indian studies. In 1989, the Commissioner of Higher Education, with the assistance of a Ford Foundation grant, began the Tracks Project to address the high dropout rate of Indian students from public schools. One outcome of the Tracks Project was the creation of the Office of Minority Achievement in the Office of the Commissioner of Higher Education. In addition, Governor Racicot appointed an Indian to the Board of Regents for the first time in that Board's history. The Montana University System offers a fee waiver to Indian students to assist them in attending a unit of the University System. The fee waiver does not cover all of the costs associated with higher education.

ENDNOTES

1. 25 U.S.C. §§ 452 through 457.
2. 20 U.S.C. §§ 236 through 245.
3. 20 U.S.C. §§ 631 through 647.
4. 25 U.S.C. §§ 2601 through 2651.
5. 20 U.S.C. § 2701, et seq.
6. 25 U.S.C. §§ 1801 through 1852.
7. The seven tribal colleges in Montana are:

    Salish Kootenai College (Flathead);

    Stone Child College (Rocky Boy's);

    Little Big Horn College (Crow);

    Dull Knife Memorial College (Northern Cheyenne);

    Blackfeet Community College (Blackfeet);

    Fort Belknap Community College (Fort Belknap); and

    Fort Peck Community College (Fort Peck).

INDIAN GAMING

What is the Indian Gaming Regulatory Act?

The Indian Gaming Regulatory Act (IGRA) is a federal law enacted in 1988 for the regulation of gambling in Indian country.[1]

Why was the IGRA passed?

Beginning in the late 1970s, some Indian tribes instituted high-stakes bingo games on their reservations as a means of generating revenue for the operation of tribal programs. As the success of these tribes' endeavors spread, more tribes turned to gambling as a solution for the economic hardships suffered by many Indians. As the gambling spread, questions arose as to what types of gambling were legal and who was responsible for regulating Indian gambling. These questions and concerns led to a series of court cases that limited state regulation of Indian gambling.[2] In response to these questions and concerns, the federal government enacted the IGRA to codify these court decisions and to provide a legislative basis for the operation and regulation of Indian gaming.

The purposes of the IGRA are multiple:

(1) to establish a National Indian Gaming Commission to meet congressional concerns and to protect gaming as a means of generating tribal revenue;
(2) to promote economic development, self-sufficiency, and strong tribal governments;
(3) to shield tribes from organized crime; and
(4) to ensure fairness to operators and players.

How does the IGRA work?

The IGRA divides gambling into three classifications. Class I gaming includes social and traditional games played in conjunction with tribal ceremonies, powwows, or

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celebrations. Class I games are regulated exclusively by Indian tribes and are not subject to the IGRA.

Class II games include bingo, lotto, pull tabs, punch boards, tip jars, and certain card games, if the games are allowed by the state in which the Indian lands are located. The tribes and the National Indian Gaming Commission share jurisdiction over Class II games. The tribe must adopt an ordinance authorizing the games, and the Commission must approve the ordinance.

Class III games include all types of games that are not Class I or Class II and that are permitted by the state. The usual casino games as well as slot machines, video poker, and horse and dog racing are considered Class III games. Class III games are regulated by a compact negotiated between the state and a tribe. It is this compacting process that has created the current furor over Indian gaming.

How do these state-tribal compacts work?

Before a tribe may operate Class III games, the tribe must request that the state enter into negotiations for a gaming compact. The compact can cover such provisions as the application of criminal and civil laws of the state and the tribe, assessment by the state for costs related to regulation, taxation by tribes to defray regulation costs, remedies for breach of contract, and any other subjects related to gaming. Once the compact is concluded, it is submitted to the Secretary of the Interior for approval.

What happens if the state fails to negotiate?

If the state fails to negotiate, the tribe may initiate a cause of action in U.S. District Court, alleging failure of the state to enter into negotiations or to conduct the negotiations in good faith. The burden of proof lies with the state to prove that it did negotiate in good faith. If the court finds for the tribe, the state and the tribe have 60 days in which to negotiate a compact. If after 60 days a compact has not been concluded, each side must present a proposed compact to a court-appointed mediator. The mediator must select the compact that most closely complies with the IGRA and any other applicable federal law, as well as the court findings. If the state refuses to accept the mediator's compact, the Secretary of the Interior is notified, and the Secretary will prescribe, in consultation with the tribes, the procedures under which Class III gaming may be conducted. The procedures must be consistent with the mediator's compact, the IGRA, and state laws.

What is the status of state-tribal compacts in Montana?

The Fort Peck Tribes concluded the first gaming compact with the state in 1992. Since that time, the Crow Tribe and the Northern Cheyenne Tribe have successfully concluded compacts, although the state and the Crows are currently in disagreement over alleged violations of the compact by the Crows. The Chippewa Cree Tribe at Rocky Boy's has negotiated an interim compact that is scheduled to be renegotiated in 1995.

Three tribes are currently involved in litigation with the state over the failure to negotiate compacts: the Blackfeet, the Confederated Salish and Kootenai, and the Fort Belknap Tribes. The issue in all three cases is whether the state failed to negotiate in good faith for a compact under the IGRA. All three cases are currently pending in federal District Court, two in Great Falls and one in Missoula.

In the meantime, in the absence of a gambling compact, all Class III gambling, Indian and non-Indian, is prohibited on the three reservations. This even includes the state lottery.

What are the areas of contention between the state and the three tribes currently involved in litigation?

Some of the issues that have been raised during the negotiations include:

> Types of games: Should the negotiations include all types of Class III gambling, including casino games, or only those Class III games specifically authorized in the state?

Number of machines per location: Should tribally operated enterprises be allowed more than the state limit of 20 machines per establishment?

Wager and payout limits: Should statutory wager and payout limits be raised or eliminated for tribal gambling establishments?

Jurisdiction: Who has civil or criminal jurisdiction over tribal members and non-tribal members on the reservation?

ENDNOTES

1. 25 U.S.C. §§ 2701 through 2721.

2. Oneida Tribe of Indians v. Wisconsin, 518 F. Supp. 712 (W.D. Wis. 1981).

Seminole Tribe v. Butterworth, 658 F.2d 310, 312 (5th Cir. 1981), cert. denied, 455 U.S. 1020 (1982).

Barona Group of Capitan Grande Band of Mission Indians v. Duffy, 694 F.2d 1185 (9th Cir. 1982), cert. denied, 461 U.S. 929 (1983).

Cabazon Band of Mission Indians v. County of Riverside, 783 F.2d 900, 906 (9th Cir. 1986), aff'd, 480 U.S. 202 (1987).

Who is the primary provider of health care for American Indians?

The primary provider of health care for American Indians is the Indian Health Service (IHS), located within the U.S. Public Health Service, which is part of the Department of Health and Human Services. The IHS is composed of 12 geographic area offices, covering 34 states. These areas are subdivided into 136 geographic Health Service Delivery Areas (delivery areas). Except for Alaska, the delivery areas are generally centered around an Indian reservation, including the area surrounding the reservation. Medical care is provided through small hospitals, health centers, and clinics within the delivery areas.

The IHS provides medical care either through direct services at IHS facilities or through contract services. The IHS prefers that eligible Indians use available IHS facilities first for their health care needs. If additional health care is required, the IHS may contract with a local health care facility or private practitioner to provide the necessary services.

The IHS pays for about 70% of the health care costs incurred by an eligible Indian. The remaining 30% comes from other sources, including private insurance and entitlement programs. In the case of contract health care costs, the IHS is the payor of last resort after applicable federal, state, local, or private health payment programs have paid.

Who is eligible to receive services from the IHS?

An individual who is a bona fide member of a federally recognized tribe and who resides in a delivery area is eligible to receive health care services from the IHS, either directly from an IHS facility or from an IHS-contract facility. An enrolled tribal member who does not reside within a delivery area is ineligible for contract care. This means that an off-reservation tribal member must travel to an IHS facility on a reservation in order to receive medical care.

Under certain circumstances, some non-Indians may receive care at an IHS facility. For example, a non-Indian woman who is pregnant with an eligible Indian's child is eligible, but only during the pregnancy and for 6 weeks following the birth. In remote areas where the only available medical care is at an IHS facility, an ineligible non-Indian may receive medical treatment on a fee-for-service basis, if the tribe approves. However, service to non-Indians, in this instance, may not interfere with the delivery of services to eligible Indians.

Are Indians eligible for other government health care programs, such as Medicaid, Medicare, or Veterans Benefits Administration health benefits?

As citizens of the United States, American Indians are entitled to the same health care programs available to non-Indian citizens, regardless of an Indian's IHS eligibility.

What health care services are provided by tribes?

Although tribal governments are extremely interested in operating part or all of the health care programs serving their tribes, their efforts have been hampered by a lack of trained Indian health professionals, meager tribal financial resources, and limited contractual authority. In 1975, the Indian Self-Determination Act authorized the IHS to provide grants to create tribal health programs and then to contract with the programs for the delivery of health services to tribes.[1]

A major support program initiated by the IHS in 1968 is Community Health Representatives (CHRs). CHRs are Indian paraprofessional health care providers who make home visits, monitor medication, follow up on hospital stays, and educate tribal members on good health practices and disease prevention, incorporating traditional Indian concepts whenever appropriate. CHRs are selected, employed, and supervised by their tribes.

CHR programs are tribally administered. Other types of programs that tribes operate through IHS contracts include chemical dependency and substance abuse, sanitation and environmental health, mental health, family planning, and nutrition.

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In addition to contracted services, some tribes operate their own tribally funded programs, such as renal dialysis.

What IHS services are available in Montana?

The IHS area office in Billings is responsible for administering IHS programs in Montana and Wyoming.

The three IHS hospitals in Montana are on the Blackfeet, Crow, and Fort Belknap Reservations. The hospital at Crow Agency also serves the Northern Cheyenne Reservation. In addition, there are satellite clinics on both the Crow and Fort Belknap Reservations. On those reservations without a hospital, the IHS has contracted with local hospitals to provide in-patient care for eligible Indians.

There are IHS-operated clinics on Fort Peck, Flathead, Northern Cheyenne, and Rocky Boy's Reservations. The Rocky Boy's clinic also serves Indians living in Havre and Great Falls.

Does the IHS provide health care services off a reservation, other than contracted care?

Yes. In 1976, Congress passed the Indian Health Care Improvement Act to address the health and medical needs of the large number (over 50% of the total Indian population) of Indians residing in the nation's urban areas. Urban Indian health programs are generally operated by the urban Indian community under contract with the IHS. These programs also receive funding from other federal sources, as well as state and private sources. The programs generally consist of out-patient care, preventive services, and health education.

There are currently five urban Indian health programs in Montana. They are located in Helena, Billings, Miles City, Butte, and Great Falls.

What health care services do states provide to Indians?

Medicaid is the only general health program that the states provide to their citizens. Other state-operated specialized health programs include chemical dependency and substance abuse and mental health. Indians are eligible for Medicaid and the other programs to the same extent as other citizens. Many counties and cities offer free health services in certain situations, and Indians have an equal right to receive them. The IHS contracts with some state and local health care facilities to provide health services to Indians.

What social service programs does the federal government administer for Indians?

The BIA operates general assistance and aid to dependent children programs for Indians who live on a reservation or near a reservation and who maintain close social and economic ties with the tribe. However, these programs are designated a "last resort". In order to receive aid from the BIA programs, an Indian must prove ineligibility for similar assistance from state, local, or other federal welfare agencies or reside in an area where comparable assistance is not available.

Tribal organizations are eligible to participate in the Department of Agriculture's commodity food program.

What social service programs do the states administer for Indians?

Most social service programs administered by states are funded primarily by the federal government. The two most important are the food stamp program and the programs created by the Social Security Act of 1935: Aid to Families With Dependent Children, Supplemental Security Income, and Child Welfare Services. Indian are entitled to participate in these programs to the same extent as all other citizens.

Many states and some local governments operate their own assistance programs that are not federally funded. Indians are eligible for this assistance to the same extent as other citizens. Indians cannot be forced to seek assistance from a federal program before qualifying for state or local government programs.

What social service programs do the tribes administer?

Tribes may operate federal assistance programs on their reservations--for example, the food stamp and the commodity food programs. Tribes are also authorized to administer the BIA assistance programs. Some tribally funded social services include burial expenses, emergency assistance, food and clothing distribution, and assistance with utility bills.

Indian tribes also have substantial authority regarding foster care placement and adoption of Indian children under the Indian Child Welfare Act of 1978.[2]

What is the Indian Child Welfare Act?

The Indian Child Welfare Act (ICWA) of 1978 is a federal law that protects Indian children and preserves the integrity of Indian tribes by restricting state courts' powers to place Indian children in nonparental custody, whether the placement is voluntary or involuntary on the part of the parents.

Why was the ICWA enacted?

The ICWA was enacted to stem the high rate of removal of Indian children from their families and their placement in non-Indian foster care, adoptive homes, and institutions. The ICWA does not apply to custody in a divorce proceeding or to the placement of a juvenile for an act that, if committed by an adult, would be a crime. The purpose of the ICWA is to protect Indian children and to promote the stability and security of Indian tribes and families.

How does the ICWA work?

The most important provision of the ICWA is the determination of jurisdiction in child custody proceedings. If the Indian child resides on a reservation, the tribal court on that reservation has jurisdiction. If the Indian child resides off the reservation, the state court shall, upon petition by either parent, the Indian custodian, or the Indian tribe, transfer the case to the tribal court. The state court may retain jurisdiction if either parent objects to the transfer, if the state court finds good cause for retaining jurisdiction, or if the tribal court declines the transfer. If the state court retains jurisdiction, the Indian custodian and the Indian tribe have the right to intervene in the court proceeding at any point.

Other important provisions of the ICWA include:

- notification to the Indian custodian and Indian tribe of any involuntary state court proceeding involving an Indian child;
- accordance of full faith and credit by state and federal courts to tribal laws and tribal court decisions involving Indian child custody;
- establishment of preferences for an Indian child's extended family or Indian home and institutions in adoptive or foster care placements; and
- authorization for agreements between states and Indian tribes regarding the care and custody of Indian children and jurisdiction over child custody proceedings.

Who is an "Indian child" for purposes of the ICWA?

According to the ICWA, an Indian child is an unmarried person under the age of 18 who either is a member of an Indian tribe or is eligible for membership and is the biological child of a member.

ENDNOTES

1. 25 U.S.C. § 450(g) and (h).
2. 25 U.S.C. §§ 1901 through 1963.

NATURAL RESOURCES AND ENVIRONMENTAL REGULATION

The seven Indian reservations in Montana compose approximately 8.3 million acres, or 9% of the land area in the state. The physical resources under tribal government jurisdiction are diverse and vary considerably in value. Resource policy is a major area of decisionmaking for tribal governments. It also may involve state-tribal negotiation and cooperation over such matters as quantification of water rights and fish and wildlife management. The economic exploitation of natural resources holds promise for some tribal nations, but it also raises conflicts with religious values and environmental concerns. The decision to exploit tribal resources or to leave the land intact is an ongoing debate in Indian country, as it is in other parts of Montana and the West. There is broad agreement that natural resource development should not be undertaken as an end in itself, but rather as part of a larger plan of social and economic development.

Who is responsible for enforcing federal environmental laws in Indian country?

In recent years, Congress has delegated to states the authority to monitor and enforce federal environmental laws in the non-Indian setting. Since the 1980s, Congress has recognized tribal governments as the appropriate authority to perform some of these functions in Indian country. For example, tribal governments are now eligible for grants to fund waste water treatment and to plan and operate their own regulatory programs.

The Indian policy of the U.S. Environmental Protection Agency (EPA) is intended to implement the executive Indian policy that tribal nations be approached on a government-to-government basis.

Under the policy, the EPA is committed to the close involvement of tribal governments in making decisions, setting standards, managing environmental programs, and implementing laws. The agency encourages tribal governments to assume responsibilities delegated to them in much the same manner as responsibilities are delegated to states. The EPA also encourages cooperation between state, tribal and local government authorities to address problems that are seldom confined within jurisdictional boundaries.

Who is responsible for managing pollution problems on Indian reservations in Montana?

The federal government has fiduciary obligations regarding Indian natural resources, as well as primary responsibility for pollution prevention and cleanup in Indian country. However, tribal administration and enforcement agencies generally work closely with federal officials. Tribal governments are increasingly involved in combating pollution and managing their resources through comprehensive planning and enforcement systems.[1]

The Clean Water Act, the Safe Drinking Water Act, and the Clean Air Act contain provisions allowing tribal governments to carry out certain functions. For example, 1987 amendments to the Clean Water Act provide that qualified tribal governments must be treated as states (T.A.S.) in the implementation of water pollution prevention programs affecting lakes and streams. Tribal governments are treated as governments for the purposes of the EPA's "Superfund" program to repair damages resulting from hazardous wastes.

So far, no tribal government has been granted T.A.S. status in administering the Clean Air Act. However, the Flathead Tribes have established air quality standards for the Mission Mountains wilderness area, and the Northern Cheyenne have also established federally recognized pristine air quality standards for their entire reservation.

Tribal governments must apply to the EPA to gain T.A.S. status. In order to stay alert to overlapping jurisdiction and other issues that arise between tribal governments and other public authorities, the EPA allows state and local governments to review and comment on tribal government applications, but they may not exercise veto power.[2]

Federal courts have held that states possess no jurisdiction over the reservation environment because Congress has not explicitly consented to state authority in federal environmental laws. The state's role is circumscribed by the primacy of federal law and the trust relationship that the federal government has with tribal governments. Cooperation is increasing, however, in response to the practical requirements of environmental management. For example, the Assiniboine and Sioux Executive Board at the Fort Peck Reservation has entered into a cooperative agreement with the state Department of Health and Environmental Services to address the problem of leaking underground storage tanks.

What is the "Winters Doctrine", and how does it apply in Montana?

Western water law is based on the prior appropriation principle, which holds, in simple terms, "first in time, first in right".

Near the turn of the century, a member of the Fort Belknap Reservation complained to federal authorities that a non-Indian (Winters) living upstream from the reservation was illegally diverting water from the Milk River. The government sued, arguing that under federal law, certain tribal rights to land and water resources are not granted to the tribe by the United States, but rather retained ("reserved") by the tribe because of the tribe's status as a sovereign entity. In 1908, the U.S. Supreme Court held in its Winters decision that when Congress established Indian reservations, it also reserved enough water to fulfill the purpose of the reservation, which at the time was generally considered to be settlement through agriculture.[3] The priority date for Indian reserved water rights is the date on which the reservation was established. Another important principle of the Winters decision, and one which distinguishes Indian water rights from others, is that Indians have vested rights whether they are used or not--nonuse of the reserved rights does not lead to their forfeiture. The Winters decision also held that water use over time may be expanded to meet the needs of the tribe.

Federal courts have denied state regulatory authority over non-Indian water use on fee land in situations in which the stream is entirely within the reservation boundaries. Once an Indian water right has been quantified, the water can be used for any purpose that the tribal government decides on, such as fisheries and other instream uses, not just agriculture.

Under the 1952 McCarran Amendment,[4] state courts have jurisdiction to adjudicate Indian water rights held in trust by the United States. In a 1983 decision, the U.S. Supreme Court reaffirmed its position that most Indian water rights disputes must be adjudicated in state courts. This provided impetus to negotiations between the state and several of the Indian nations in Montana.

What is the role of the Reserved Water Rights Compact Commission in relation to Indian water rights?

The Compact Commission was created by the Legislature in 1979 for the purpose of concluding agreements with tribal governments (as well as with federal agencies with reserved water rights) and minimizing the loss of rights to non-Indian claimants. The State of Montana entered into a compact with the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation in 1985. The compact determines "finally and forever" tribal rights to the water "on, under, adjacent to, or otherwise appurtenant to" the Fort Peck Reservation (section 85-20-201, MCA). The Fort Peck Tribes waived their reserved rights claims in return for consumptive rights to specified quantities of water from the Missouri River and several of its tributaries. Under the compact, the water may be used for any purpose. A limited amount may be marketed to non-Indians off the reservation, subject to state law. The tribal government is authorized to promulgate water codes, subject to the approval of the Secretary of the Interior. The Fort Peck compact is unique in that it was the first one negotiated by the Compact Commission and the first of its kind in the United States.

After a decade of negotiations, a compact involving the Northern Cheyenne, the state, and the federal government was concluded in 1993. Under the terms of the compact, the Department of the Interior and the state agree to repair and raise the elevation of the Tongue River Dam and Reservoir. When the renovation is complete, the Northern Cheyenne will be able to increase their water storage capacity by an additional 20,000 acre-feet annually. Approximately 91,000 acre-feet from several creeks and the reservoirs are also reserved to the tribal nation.

The Compact Commission has engaged in on-and-off talks with the Blackfeet over the past decade. Recently, the Blackfeet have chosen to consider seeking quantification of their rights through litigation instead of through a negotiated compact. A compact with the Rocky Boy's Reservation is being negotiated, and negotiations with the Crow may proceed in 1995.

Are non-Indians legally obligated to obtain tribal licenses to hunt and fish on Indian reservations?

Yes. The tribe has power to license hunting and fishing by non-Indians on reservation lands held in trust for the tribe or individual Indians.[5] Indians may hunt and fish in Indian country without having to obtain a state permit.

In the 1981 Montana v. United States case,[6] however, the U.S. Supreme Court held that a tribe had no power to regulate non-Indian hunting and fishing on fee lands owned by non-Indians within the reservation. In ruling against the Crow Tribe, the Court noted that no allegations had been raised that the non-Indian activities on fee land threatened the Crow Tribe's welfare, that the State of Montana had abdicated its conservation responsibility, or that the state's regulation interfered with tribal hunting and fishing rights. Despite ruling against tribal regulation, the Court acknowledged that tribes may retain inherent power to exercise civil authority over the conduct of non-Indians on fee lands within the reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe.

On the Flathead Reservation, however, the Confederated Salish and Kootenai Tribes historically have always managed fish and wildlife resources throughout the reservation. As early as 1936, the tribal government established regulations; sold permits; employed professional biologists, technicians, and game wardens; and spent hundreds of thousands of dollars on resource and wildlife management activities, habitat improvement, law enforcement, and research.

In 1990, the tribes and the State of Montana entered into a historic agreement under the State-Tribal Cooperative Agreements Act to cooperatively manage bird hunting and fishing on the Flathead Reservation. The agreement simplified regulations and licensing requirements for hunters and anglers and established a framework to cooperatively manage fish and game bird resources on the reservation. The State-Tribal Cooperative Agreements Act was recently renewed without incident.

ENDNOTES

1. See "Federal, Tribal, and State Roles in the Protection and Regulation of Reservation Environments: A Concept Paper, Environmental Protection Agency, Washington, D.C. (1991).

2. See "Tribes as States: Indian Tribal Authority to Regulate Federal Environmental Laws and Regulations", Loursen, David E., Environmental Law Reporter (Sept. 1993).

3. Winters v. United States, 207 U.S. 564 (1908).

4. 43 U.S.C. § 666(a).

5. Montana v. United States, 450 U.S. 544 (1981); New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983).

6. See 450 U.S. at 566.

TAXATION

Do Indians pay taxes?

Yes. Depending on the specific residency and employment circumstances and on the status of the specific property, Indians are subject to most of the same tax laws that non-Indians are. However, there are some exemptions.

What are some of the tax exemptions granted to Indians?

The following exemptions from federal income tax have been granted to Indians:

- federal money received as compensation for the taking of property;
- income earned directly from an Indian's trust allotment; and
- income earned from an allotment received as a gift or by exchanging other land for it.

Indians are exempt from paying estate taxes on an inherited allotment.

Income from land that has been removed from trust and on which a fee patent has been issued is taxable. Reinvestment income is also taxable, even if the original investment was derived from nontaxable income.

States cannot tax Indian trust lands held tribally or in allotments. However, a recent court case, *County of Yakima v. Confederated Tribes and Bands of the Yakima Indian Nation*, 112 S. Ct. 683 (1992), held that a state may tax fee land owned by a tribe or by an individual Indian.

States cannot tax income earned on a tribe's reservation by tribal members, nor can a state assess a sales tax on transactions entered into by Indians on their reservation. Indians on a reservation are also exempt from personal property taxes. A state can charge a registration fee on an automobile owned by an Indian on a reservation, but cannot levy a personal property tax on the automobile. However, states can require tribes to collect state taxes on the reservation and pass them on to the state if the taxes are not on products manufactured by the tribe or produced with tribal resources. An example is a state tax on cigarettes sold to non-Indians on a reservation.

Tribal governments are generally exempt from federal taxation in the same way that state and local governments are exempt. Two noticeable exceptions to this rule are Social Security and unemployment compensation taxes. While state and local governments are exempt from paying these taxes, tribal governments are not.

States cannot tax the income of tribal governments.

Can a state refuse to provide services to reservation Indians because they are exempt from most state taxation?

No. Indians are state citizens and are entitled to the full rights and privileges as a result of that citizenship. Exemptions from taxation are based on federal statutes and treaties that protect Indians and their property. The protection was given in exchange for vast amounts of Indian land. In other words, Indians paid for their tax immunities when they agreed to give up their land.

Are nonmember Indians entitled to the same state tax exemptions?

Indians residing on a reservation other then their own are probably not entitled to state tax exemptions.

Do non-Indians on reservations pay state taxes?

Generally yes, if the subject matter of the tax is not preempted by federal law and if the tax does not substantially interfere with tribal sovereignty. However, very few state taxes violate federal law or interfere with tribal government. Therefore, non-Indians have to pay most state taxes on a reservation.

Can an Indian tribe tax its members?

Yes. The power to levy taxes is an inherent right of any government. Tribal governments can impose the same taxes on its citizens as federal and state governments can. In the past, tribal governments have been reluctant to levy taxes against tribal members. Also, some tribal constitutions prohibit or limit tribal taxation. However, because the right to tax has not generally been exercised by Indian tribes does not mean that the right does not exist.

Can an Indian tribe tax nonmembers, including non-Indians, residing on its reservation?

Yes. If non-Indians enter a reservation for the purpose of engaging in economic activity, they are subject to tribal taxation. Some non-Indians may argue that tribal taxation constitutes "taxation without representation" because non-Indians are not eligible to vote in tribal elections. However, there are numerous instances in which people pay state or federal taxes but cannot participate in elections--for example, residents of one state who pay sales taxes on purchases in another state or legal immigrants who pay state and federal income taxes. A person's ineligibility to participate in elections does not deprive a government of the right to tax that person.

Can a state and an Indian tribe both impose a tax on the same activity?

In a recent case, Cotton Petroleum Corp. v. New Mexico, 490 U.S. 163 (1989), the U.S. Supreme Court upheld a New Mexico state tax on oil and gas produced from tribal lands by a non-Indian company, even though the company was also paying tribal taxes on the same activity. Therefore, it appears that dual taxation is possible, at least in the area of mineral production.

It is important to note that the rule of law today regarding Indian taxation, with the exception of trust property, may not be the rule tomorrow. Indian taxation questions are generally settled in courts of law, especially the U.S. Supreme Court. It is impossible to make definitive statements about what is or is not allowed in the area of Indian taxation. A court decision in one instance regarding taxation may not apply to another similar instance.

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